

CONSENT AGENDA:

Agenda Item No. 5A.
Agenda Report No. 05-0186

TO: Mayor and City Council Members

SUBJECT: Petitions for Paving Improvements for Prairie Pond Plaza Addition (north of Kellogg, east of 143rd Street East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide paving improvements to a new commercial development located north of Kellogg, east of 143rd Street East.

Financial Considerations: The Petitions total \$722,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions (hold for development).

Agenda Item No. 5b.
Agenda Report No. 05-0187

TO: Mayor and City Council Members

SUBJECT: Petition to construct a Storm Water Drain in Avalon Park 2nd Addition (north of 37th St. North, east of Tyler) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: On January 11, 2005, the City Council approved a Petition to construct a Storm Water Drain in Avalon Park 2nd Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

Analysis: The project will serve a new residential development located north of 37th St. North, east of Tyler.

Financial Considerations: The existing Petition totals \$245,000. The new Petition totals \$300,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the Resolution.

Agenda Item No. 5c.

Agenda Report No. 05-0188

TO: Mayor and City Council Members

SUBJECT: Petition to construct a frontage road on the south side of Kellogg, from Wiedemann Street to approximately 1,200' east of Wiedemann Street (south of Kellogg, between Webb and Greenwich) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: The Kansas Department of Transportation (KDOT) administers a corridor management program to assist local governments with certain roadway improvements to preserve traffic safety and capacity. Projects along the Kellogg traffic corridor are eligible for funding under this program. Sixty-seven percent of project costs up to \$250,000 are paid by KDOT and the remainder by a local match.

Analysis: The developer of a large, new auto retail complex wants to construct a frontage road on the south side of Kellogg, from Wiedemann Street to approximately 1,200' east of Wiedemann Street.

Financial Considerations: The estimated project cost is \$125,000. KDOT has agreed to fund \$83,750 from the corridor management program. The developer has submitted a Petition to fund the remaining \$41,250 from special assessments. The signatures on the Petition represent 100% of the improvement district.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution, and authorize the signing of State/Federal agreements as required.

Agenda Item No. 5d.

Agenda Report No. 05-0189

TO: Mayor and City Council Members

SUBJECT: Petitions for Sanitary Sewer and Water Distribution System improvements to serve Evergreen Addition (north of 21st, west of Maize) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide sanitary sewer and water service to a new commercial development located north of 21st, west of Maize.

Financial Considerations: The Petitions total \$284,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions (hold for development).

Agenda Item No. 9A.

Agenda Report No. 05-0191

TO: Mayor and City Council

SUBJECT: Equus Beds Aquifer Storage and Recovery Project (Phase I)
Supplemental Agreement

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendations: Approve Supplemental Agreement No. 5 with Burns & McDonnell.

Background: On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. (Engineer) to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery (ASR) Project for \$798,532.

November 5, 2002, the City Council approved Supplemental Agreement No. 1, for additional archeological services to evaluate the impact of the discovery of a prehistoric artifact.

March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies.

April 1, 2003, City Council approved Supplemental Agreement No. 3 to allow drilling of additional test holes at the proposed sites for recharge basins.

May 25, 2004, City Council approved Supplemental Agreement No. 4 to drill two additional test wells at alternative sites for diversions wells that appeared to have better water quality.

August 31, 2004, City Council approved a Memorandum of Understanding with the Equus Beds Groundwater Management District (GMD) that led to the unanimous recommendation of the GMD for approval of the City's applications for water rights for Phase I of the ASR project.

Analysis: The proposed Supplemental Agreement is comprised of the following:

Shallow Aquifer Pump Test - Phase I of the ASR Project includes the construction of seven diversion wells adjacent to the Little Arkansas River. The purpose of the wells is to capture excess flow in the river that can be used to recharge the aquifer at other sites. The GMD had concerns that the wells would not capture river water, but capture groundwater instead. To address these concerns, the City has committed to drilling a shallow test well to evaluate the productiveness of shallow wells. This Supplemental Agreement includes the cost to construct a test well and to conduct pump tests, with subsequent analysis of the results and the final report not to exceed \$71,247.

Additional Hydrogeologic Borings – To accommodate property acquisition, two of the proposed recharge facilities were to be moved to different sites. This Agreement includes costs to drill additional test borings at the two sites for a cost not to exceed \$27,043.

Boundary Surveys – The original Scope of Services did not include boundary surveys of the acquired land. This Agreement includes the cost for boundary surveys at two sites where the City has purchased the land rather than easements, and to do a final site survey at sites where the City will be installing diversion wells adjacent to the Little Arkansas River. The cost will not exceed \$24,922.

ASR Permit Assistance – A key element in this project has been the acquisition of water appropriations from the State of Kansas, Division of Water Resources (DWR). The City's project is the first project in the State of Kansas to seek water appropriations for an aquifer storage and recovery project, and the process to obtain the appropriations has been difficult, as all involved working through a learning curve.

At the time this project began, the City and the Engineer made projections of how much effort would be required from the Engineer. Since that time, the make-up of the GMD has changed substantially, which has resulted in unexpected opposition to the project that had to be addressed. The first submittals to the DWR were made in November of 2002, and at that time, it was anticipated that the design of the project would be completed by June of 2003. However, in response to the initial opposition from the GMD, the DWR has been very cautious in its approach to reviewing and approving the permits, and the project completion has consequently been delayed for over one and one-half years.

During this time, the DWR has requested additional technical information and computer modeling, which was available only through additional efforts from the Engineer. The work performed for this was not as much related to design of the project, but towards providing additional services such as serving as a consultant, or witnesses, for the City in administrative hearings and other legal proceedings related to the project. Because of the variable and unpredictable nature of the additional requests, it would have been impossible for the Engineer to accurately define a Contract adjustment prior to performing the work. The Supplemental Agreement includes compensation for additional computer modeling work for \$92,603. Land acquisition assistance, hearing preparation and testimony, and other assistance required to meet DWR requests over the past two years amounts to \$240,518.

Financial Considerations: The cost for all of the components of Supplemental Agreement No. 5 will not exceed \$456,333. Funding for this project is included in CIP W-549, Water Supply Plan Phase III, that has available funding of over \$7.6 million.

Legal Considerations: The Law Department has reviewed and approved the Supplemental Agreement as to form.

Recommendation/Actions: It is recommended that the City Council approve the Supplemental Agreement with Burns & McDonnell and authorize the necessary signatures.

Agenda Item 9b.

Agenda Report 05-0192

TO: Mayor and City Council

SUBJECT: Agreement to Respread Assessments: Copper Gate North Addition (north and south of 13th Street North, east of 135th Street West) (District V)

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The landowners, Kick 'N' Development Corp., a Kansas Corporation and Kelsey Investments, Inc., a Kansas Corporation, platted Copper Gate North Addition and have submitted an Agreement to respread the special assessments.

Analysis: The land was originally included in an improvement district for a water distribution project. The purpose of the Agreement is to eliminate the special assessments on the lots in Copper Gate North Addition and spread them to a piece of land in Copper Gate Addition, all within the improvement district.

Financial Considerations: There is no cost to the City.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item 9c.
Agenda Report No. 05-0193

TO: Mayor and Members of the City Council

SUBJECT: KDOT Grant Agreement-International Trade Processing Center

INITIATED BY: Finance Department

AGENDA: Consent

Recommendation: Approve agreement.

Background: Under the federal 2004 Consolidated Appropriations Act, the City of Wichita received a \$1,000,000 Congressional Earmark for a feasibility study and work plan for an International Trade Processing Center. These funds are issued by the Federal Highway Administration and are provided through the Kansas Department of Transportation (KDOT) to the City. At a City Council workshop held November 2, 2004, the City Council requested the City Manager proceed with securing the grant funds for the feasibility study.

Analysis: Staff worked with the Kansas Department of Transportation and the Law Department to develop the grant agreement. The City will coordinate the work efforts with public and private organizations, including, but not limited to: Kansas World Trade Center, Sedgwick County, Regional Economic Area Partnership (REAP), Greater Wichita Economic Development Coalition (GWDEC), and the Kansas Department of Commerce. The City will coordinate the management of the study and work plan and select a consultant to evaluate the economic feasibility and develop a work plan for implementing an International Trade Processing Center – a high tech inland processing and distributing Center and Warehouse. The consultant will determine the feasibility of such an inland port, identify key partners, facility and infrastructure needs/costs, configuration and layout, funding and potential sites, customs and security requirements, development costs and other important aspects of such a trade processing facility.

The specific tasks the consultant will undertake include:

- Survey user needs and support for a trade processing (and warehousing) center and develop an operations concept based on the survey results;
- Create an operational design for a trade processing center and model various physical features and business service offerings based on the survey;
- Create a strategy and development plan for a South Central Kansas international trade processing center and related facilities.
- Coordinate with other agencies, including governments and organizations listed above, in the development of infrastructure and technology needs.
- Identify financial support needed from beneficiaries from the improvement of trade and transportation facilities and operational requirements.

Financial Considerations: The grant agreement is a cost reimbursement agreement. No matching funds are required.

Legal Considerations: The grant agreement has been reviewed and approved as to form by the Department of Law.

Recommendation/Action: It is recommended the City Council approve the grant agreement and authorize the Mayor to sign.

Agenda Item No. 9d.

Agenda Report No. 05-0194

TO: Mayor and City Council Members

SUBJECT: Street Resurfacing Project on US-54/US-400 (Kellogg), from 119th Street West to Lark Lane (Districts IV & V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The Kansas Department of Transportation (KDOT) has available a street resurfacing (KLINK) program for cities which have highway connecting links within the their city limits. The KLINK program is intended for resurfacing improvements on the connecting links, which are maintained by the cities.

KDOT has advised the City of Wichita that KLINK Fiscal year 2006 funds in the amount of \$200,000 have been allocated for a resurfacing project on the west bound lanes of US-54/US-400 (Kellogg), from 119th Street West to Lark Lane.

Analysis: The estimated total cost of this project is \$450,000. The attached Agreement provides that KDOT will reimburse the City in the amount of fifty percent of the approved construction cost including construction engineering and contingencies, but not to exceed a maximum of \$200,000.

Financial Considerations: Funding in the amount of \$250,000 is available in the Street Maintenance Operating budget for the local portion of the cost of this project.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No. 9e.
Agenda Report No. 05-0195

TO: Mayor and City Council

SUBJECT: Approval of Forgivable Loan Agreement for Honeywell (District IV)

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the agreement.

Background: On December 21, 2004, the City Council approved a package of incentives offered to Honeywell as an inducement to keep its Wichita operations from being closed as part of a company-wide consolidation program. As a result of the incentive offer, Honeywell has leased a six-acre site at Mid-Continent Airport and plans to construct a new 57,000 square foot facility, designed to accommodate the existing Honeywell Wichita workforce of 179 employees, plus provide space for future growth in employment.

In addition to State of Kansas incentives (which included training a grant, state income tax credits, sales tax exemption and a \$100,000 forgivable loan), the City and County each agreed to make forgivable loans to Honeywell in the amount of \$71,600. The City's offer of a forgivable loan was made subject to approval by the City Council of a written forgivable loan agreement, which is requested at this time.

Analysis: The City and County have negotiated the terms of the forgivable loans, based on a standard form used by the State of Kansas in its KEOIF forgivable loan program. A forgivable loan converts to a grant over a specified period of time, as specified conditions are met. The Honeywell forgivable loan will be converted to a grant over a five-year period, based on Honeywell maintaining its employment and wages of 179 employees at an average wage of \$40,000 per year. Loan proceeds will be used by Honeywell to pay costs relating to construction, site improvements, equipping and relocating to the new Wichita facility.

Each year, the outstanding balance of the loan will be forgiven in one-fifth installments if that year's job and wage commitments are met, and carried forward if not. At the end of five years, the remaining balance of the loan will be forgiven if the full job and wage commitment has been reached. If not, the outstanding balance will be due and payable at that time. In addition, if Honeywell moves its operations from Wichita during the term of the agreement, the entire amount of the loan will be due and payable, including accrued interest at twelve percent (12%).

Financial Considerations: Funding for the forgivable loan in the amount of \$71,600 has been approved and encumbered in the 2004 general fund appropriated reserve.

Legal Considerations: The Forgivable Loan Agreement and Promissory Note will be approved as to form by the Law Department prior to execution.

Recommendations/Actions: It is recommended that the City Council approve the Forgivable Loan to Honeywell in the amount of \$71,600 and authorize the necessary signatures.

Agenda Item 9F
Agenda Report 05-0196

TO: Mayor and City Council Members

SUBJECT: Extension of Purchase of Service Agreement with Kansas Department of Social and Rehabilitation Services (SRS)

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve extension of SRS Provider Agreement and authorize the Mayor to sign.

Background: In March, 2004, the City of Wichita entered into a purchase of service agreement with the Kansas Department of Social and Rehabilitation Services (SRS) for the City's Career Development Office (CDO) to provide employment preparation and job placement services to welfare recipients. The state has offered the city an extension of the agreement for services to continue for another year.

Analysis: The CDO has worked with 649 welfare recipients since April, 2005 and currently has 237 active clients. The placement goal for the first year of the agreement is 125. Through December, 147 clients have been placed with an average wage of \$7.91 per hour.

Financial Considerations: The agreement of \$562,008.72 will cover the expenses of the CDO to provide services to welfare recipients of Sedgwick County and will not obligate general fund monies.

Legal Considerations: The Law Office has reviewed and approved the extension to the Provider Agreement.

Recommendation/Action: Approve finalization of SRS Provider Agreement extension and authorize the Mayor to sign.

Agenda Item No. 10A.
Agenda Report No. 05-0197

TO: Mayor and City Council Members

SUBJECT: Acquisition of a portion of the Abandoned Union Pacific Rail Corridor for the Midtown Greenway (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Ave. and Wichita St. to 15th St. and Broadway. Through this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The city has reviewed the former corridor and decided that it could be utilized to develop a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th St. from the adjacent owners.

Analysis: Due to their size and configuration, the tracts being acquired are not developable by themselves. The majority of the tracts abut developed properties but lie outside the fenced, defined boundaries of the properties. The purchase price of similar tracts was reviewed to estimate market value. These amounts were offered to the adjacent property owners with several accepting the offers. The owner at 1043 N. Water has agreed to sell to the city his portion of the Union Pacific Railroad tract consisting of 1,180 square feet at \$500.

Financial Considerations: A budget of \$650 is requested for the acquisition. This includes \$500 for the acquisition and \$150 for closing costs. The funding source is previously approved CDBG funds.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council 1) Approve the budget, 2) Approve the real estate purchase contract and 3) Authorize necessary signatures.

Agenda Item No. 10b.
Agenda Report No. 05-0198

TO: Mayor and City Council Members

SUBJECT: Acquisition of 2146 George Washington Blvd. for the Dry Creek Basin
Property Acquisition Project (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition

Background: There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 2146 George Washington Boulevard, which is owned by Mr. & Mrs. J. M. Chinn. The site contains 32,941 square feet and is improved with a 1,972 square foot brick, ranch residence.

Analysis: The city had the property appraised in January 2005. The appraised value of \$128,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

Financial Considerations: A budget of \$133,750 is requested. This includes \$128,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Real Estate Purchase Contract and 2) Authorize all necessary signatures.

Agenda Item No. 10c.
Agenda Report No. 05-0199

TO: Mayor and City Council Members

SUBJECT: Acquisition of a Portion of 115-135 South Hillside: Hillside Kellogg to Central (District II)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition

Background: The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the tracts to be acquired is a portion of 115-135 South Hillside. The site contains 19,394 square feet and is improved with two retail buildings, one with 7,400 square feet and the other with 1,270 Square feet. The project requires the east 15 feet of the tract, approximately 2,000 square feet. The acquisition reduces parking on the site below code and eliminates access to the smaller building. The code issue can be resolved by removing the smaller building.

Analysis: The acquisition was appraised at \$95,000. This includes \$15,000 for the land and \$80,000 for the loss of the smaller building. The owner is agreeable with the removal of the building. Actual costs were researched for the removal and it was found that the actual costs of demolition and reconfiguration were greater than the appraiser's estimate, or in some cases were omitted from the appraisal. Among other items, the site has underground tanks that must be removed and the building has asbestos that must be abated. Including these costs raised the overall cost to \$140,000. The owner has agreed to accept this amount.

Financial Considerations: Funds have been budgeted in the Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$155,000 is requested. This represents \$140,000 for acquisition, \$10,000 for relocation, and \$5,000 for closing costs, surveys, title insurance and other miscellaneous costs.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contracts; and 3) Authorize all necessary signatures.

Agenda Item No. 10d.
Agenda Report No. 05-0200

TO: Mayor and City Council Members

SUBJECT: Acquisition of Part of 2412 West Pawnee: Meridian Improvement Project
from 31st South To Pawnee (District IV)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On March 1, 2005, City Council approved a project to improve Meridian, between 31st Street South to Pawnee. The improvement plans call for partial acquisitions of two parcels. One acquisition at 2412 W. Pawnee requires a 112.5 square foot corner take of land. The property is a tenant occupied retail store situated on a 27,878.4 square foot site.

Analysis: The property owner has agreed to accept \$635. \$565 for the acquisition and \$70 for the temporary easement. The building improvements will not be impacted by this acquisition.

Financial Considerations: The funding source for the City share of the project is General Obligation Bonds. A budget of \$750 is requested. This includes \$635 for the acquisition, and \$115 for closing costs and title insurance.

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contracts; and 3) Authorize all necessary signatures.

Agenda Item No. 10e.
Agenda Report No. 05-0201

TO: Mayor and City Council Members

SUBJECT: Acquisition of 3816 East Mt. Vernon for the Dry Creek Basin Property
Acquisition Project (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition

Background: There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 3816 East Mt. Vernon, which is owned by Janice Brack. The site contains 21,299 square feet and is improved with a 2,258 square foot, split-level, wood frame residence.

Analysis: The city had the property appraised in January 2005. The appraised value of \$122,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

Financial Considerations: A budget of \$127,750 is requested. This includes \$122,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Real Estate Purchase Contract and 2) Authorize all necessary signatures.

Agenda Item No. 11.
Agenda Report No. 05-0202

TO: Mayor and City Council Members

SUBJECT: Acquisition of Land (District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the exercise of the option.

Background: On December 30, 2003, the City Council approved the acquisition of a parcel of land between Tyler and Maize Roads south of 31st Street South and authorized staff to negotiate a real estate purchase contract. On July 27, 2004, the City Council approved the real estate purchase contract. The contract called for the land to be acquired in four parcels. The first parcel was acquired on September 28, 2004. The other three parcels were optioned with acquisition dates of March 31 of 2005, 2006 and 2007.

Analysis: The option price is \$946,667.00 plus interest from March 31, 2004 at .75% (approximately \$7,100). If the option is not exercised by March 31, 2005, it as well as the remaining two options shall be declared null and void.

Financial Considerations: Funding for the acquisition was approved by the December 30, 2003 action, as was a bonding resolution.

Legal Considerations: The Law Department has approved the contract and options as to form.

Recommendation/Action: It is recommended that the City Council approve the exercise of the option and authorize all necessary signatures.

Agenda Item No. 12.
Agenda Report No. 05-0203

TO: Mayor and City Council

SUBJECT: Automatic Meter Reading Installations

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the completion of the installation of meters and Automatic Meter Reading (AMR) devices in 2005, rather than 2006.

Background: On June 18, 2004, City Council approved the installation of approximately 2,000 replacement meters and automatic meter reading (AMR) units over each of the next three years (2004, 2005, and 2006).

In 2004, the first installations were completed and the program achieved exceptional results. The installations were completed without incident and the new mobile reading hardware and software resulted in these units being able to be read on a monthly basis with one hundred percent accuracy in approximately two hours. This compares with roughly fifty-five Staff hours monthly that had been required to perform manual reads.

Analysis: The result of the installations has been the reduction of Staff time devoted to meter reading and the ability of the reading Staff to stay on schedule. Benefits will multiply with the completion of the project. Accelerating the completion of the program in 2005 will also result in the elimination of several vehicles used for driving routes.

Financial Considerations: Capital project expenditures were previously approved by City Council. Expending the remaining project budget of \$1,013,000 in 2005, rather than 2006, will not materially affect the Water Utility CIP.

Legal Considerations: There are no legal considerations related to completing the project in 2005.

Recommendations/Actions: It is recommended that City Council concur with the completion of the meter change out and AMR installation project during 2005.

Agenda Item 13.
Agenda Report 05-0204

TO: Mayor and City Council

SUBJECT: Lattner Foundation Grant Application for WATER Center Education Exhibits

INITIATED BY: Department of Environmental Health

AGENDA: Consent

Recommendations: Approve the grant application and award.

Background: The environmental education component of the Wichita Area Treatment, Education and Remediation (WATER) Center addresses water quality resources focusing on public education ~~ed~~ regarding hydrological processes, groundwater remediation, impacts to public health and the environment, and the inter-relationship between groundwater and the Arkansas River. The facility provides a unique and important educational destination for schools, civic groups, and the general public.

In 2003, a preliminary WATER Center education exhibit development plan was prepared by the firm of ~~has selected~~ Taylor Studios for the design and construction of the center's exhibits. The firm provided ~~for the design of the exhibits for the Herman Hill/Gilbert Mosley Environmental Education Facility. The draft contract has been reviewed by both the Legal Department and the Purchasing Department. Taylor Studios has performed other projects in area such as the "Fossil Dig" at Exploration Place and all of the new exhibits for Dillon Nature Center in Hutchinson.~~ conceptual exhibit designs through discussions and interaction with local and state educational institutions, staff, and other community organizations and developed and provided a "design book" of proposed exhibits for the facility. The firm also developed projected construction costs that will be used for funding solicitation. This grant would aid in funding the water education exhibits at the WATER Center.

The grant application deadline was March 1, 2005. Under authority of City of Wichita Administrative Regulation No. 61, the City Manager is authorized to submit the grant application where delay would invalidate the grant application.

Analysis: The Department of Environmental Health requests authorization to apply for the *Forrest C. Lattner Foundation* grant. The grant would fund new hands-on environmental education exhibits at the WATER Center. The educational component of the WATER Center has been designed similarly to that of the Great Plains Nature Center. Once exhibits and displays were installed, the Nature Center was able to reach 150,000 visitors per year. The WATER Center's objective is to provide a similarly large number of visitors with an enhanced educational experience on water quality, protection and conservation, pollution prevention, and environmental stewardship.

Financial Considerations: The Department of Environmental Health is requesting Forrest C. Lattner Foundation grant funding of \$25,000. The grant does not require matching funds from the city.

Legal Considerations: The Law Department has approved the application as to form.

Recommendation/Action: It is recommended the City Council approve the grant application, the grant award and authorize the necessary signatures.

**THE FORREST C. LATTNER FOUNDATION
GRANT REQUEST**

1. Organization Name WATER Center
Address 101 E. Pawnee
City, State, Zip Wichita, KS 67217
Phone # 316-337-9262 Fax # 316-268-8390
E-mail lalbers@wichita.gov
2. Contact Person/Title Libby Albers, Environmental Quality Specialist
Project Manager D. Kay Johnson, Director, Department of Environmental Health

3a. History of the Organization

For decades, business, industrial and commercial activities thrived in and around downtown Wichita, Kansas. In the late 1980's, routine testing of the groundwater detected contamination in the vicinity of the downtown area. The impacted site, named "Gilbert-Mosley," includes approximately 3850 acres or 8,000 parcels of property. Preliminary tests found the primary contaminants to be chlorinated solvents. Wichita's groundwater was contaminated as a result of historical industrial activities in the area. The City chose an unprecedented approach and took the initiative on the clean-up project. With innovative thinking and financing, the City agreed to comply with all investigation and clean-up requirements of the Kansas Department of Health and Environment (KDHE), who was overseeing the project on the Environmental Protection Agency's (EPA's) behalf.

More than a decade later, following investigation and remediation system design, construction began on the project's downgradient groundwater capture and treatment system. The Wichita Area Treatment, Education & Remediation (WATER) Center, the complex housing the treatment system and education center, is located in south Wichita's Herman Hill Park. This remediation system consists of five and one-half miles of conveyance piping and thirteen groundwater extraction wells operating to limit the spread of contaminated groundwater. After treatment, the water passes through a highly architectural plaza filled with fountains. From the fountains the water is pumped to an 11,000-gallon outdoor aquarium that showcases native fish and expresses the life-supporting qualities of clean water. The water then meanders through an artificial creek before rejoining the Arkansas River. Other reuse opportunities at the WATER Center include park-wide irrigation and a water-truck filling station for use by the municipal park department. The facility is designed to encourage public interest and observation on how groundwater is remediated (cleaned) by including an education building and displays, aquaria and outdoor water features and other amenities.

One of the goals of the WATER Center is to educate the public on water-related issues with the intent of preventing other pollution districts like Gilbert-Mosley. The Center is designed not only to spark discussion on groundwater pollution but also initiate dialogue on non-point source pollution, wetland filtration, geology, aquatic biology, threatened and endangered species, invasive species, and xeriscaping. Visual art, poetry, and architecture also play a significant educational role at the Center.

Many neighborhood associations and civic groups have used the classroom at the WATER Center to conduct meetings, training, and neighborhood awareness sessions. The City of Wichita has held the “Citizen’s Academy” at the site for the last three semesters. Groups that may not have visited south Wichita are now touring the park and the project. Visitors from Missouri, Hawaii, Mexico, and France have all participated in tours and programs held at the facility. In 2004, the Center also hosted the Summer of Discover youth camp, the StreamLink Student Gathering, and numerous school and scout programs.

In 2004, staff efforts concentrated on educational programming, visitor services, building operation, educational fundraising, regulatory reporting, and field sampling. The following totals reflect the educational impact since opening in October 2003.

WATER Center 2003-2004 IN REVIEW	2003	2004
Total visitation (program attendance + walk-ins)	1481	4638
Attendance of programs and activities	1159	4422
Number of people using checkout items	322	510
Evening and weekend hours (staff covered)	43	122
General facility visitors	322	985
Media contacts	16	7
Attendance of offsite booths or exhibits	12,234	16,000

3b. **Mission Statement and Grant Request**

The WATER Center’s mission is to demonstrate the hydrological and geo-physical processes involved in groundwater remediation; to provide education concerning groundwater, environmental threats and public health problems posed by water pollution; to illustrate the inter-relationship between the groundwater and the Arkansas River; and to provide an opportunity to experience and appreciate the power, beauty and importance of a natural resource: water.

The WATER Center has completed conceptual designs for fifteen hands-on water education exhibits that will teach the public basic water principles plus the specifics of water pollution and conservation. Visitors will journey through the anatomy of a water molecule, the water cycle, pollution, conservation and stewardship displays. Enclosed with this request is Taylor Studio’s descriptive vision for the exhibit space titled, “*Captive Flow, The Endless Journey of Water.*”

Currently, the WATER Center is seeking community sponsors for the final design, construction and installation of the water education exhibits. This is an exciting opportunity to partner in a unique project. Based on the Forrest C. Lattner Foundation’s commitment to Wichita’s youth, environment, and the arts, the WATER Center is requesting donations to support the construction of the hands-on exhibits. The Lattner Foundation will be recognized for its support on the “donor wall” display.

The educational component of the WATER Center has been designed similarly to that of our local nature center, Great Plains Nature Center. Once their exhibits and displays were installed, the Nature Center was able to reach 150,000 visitors a year.

Our objective is to teach a similar number of visitors with the pollution prevention, water conservation, and environmental stewardship message.

4a. Supplemental Information:
Board of Trustees

A Board of Trustees does not dictate the direction of the WATER Center, rather it is directed by the Department of Environmental Health and by the City Council. The City of Wichita is a unit of local government, designated as a city of the first class (having a population greater than 150,000) by Kansas's statutes. Wichita is located in Sedgwick County, Kansas, and is the largest city in the State of Kansas with a population of 330,000 and a metropolitan area with a population of 452,869. The City governance is a Council-manager form of government with six Council Districts and a Mayor at large. The Mayor and a six-member Council serve as the policy making body for the City and appoints the City Manager who serves as the chief executive. The City of Wichita has 17 departments and administers two City-County departments including Planning, and Flood Control under an inter-local agreement with Sedgwick County. The City of Wichita has approximately 2,500 employees.

***George R. Kolb
City Manager
City of Wichita
Health***

***D. Kay Johnson
Director
Department of Environmental
Wichita, KS 67217***

***Carlos Mayans
City Mayor***

***Carl Brewer
City Council District 1***

***Sue Schlapp
City Council District 2***

***Phil Lambke
City Council District 3***

***Paul Gray
City Council District 4***

***Bob Martz
City Council District 5***

***Sharon Fearey
City Council District 6***

***All can be reached at:
City Hall, 1st Floor
City Council
MS 1-135
455 N. Main
Wichita, KS 67202***

Total Staff:	Full Time	<u>1</u>	Part Time	<u>0</u>
Date Fiscal Year Begins	<u>January 1</u>			

Full-Time:	<i>Libby Albers</i>
Compensation Package	<i>\$67,400 (currently paid from City's General Fund)</i>
Year Joined WATER Center	<i>2003</i>

4b. Federal Tax Determination Letter
(See attached)

5. **Expenditure Information**

Organization Name: **WATER Center Education Center**
Project Name: **Water Education Exhibits**

Total Income (2004) \$118,607

Total Program Service Expense (2004) \$115,283

Management and General Expenses (2004) \$44,134

Janitorial **\$1,105**

Grounds **\$16,915**

Telephone/Computer **\$4,789**

Utilities **\$12,825**

General Repairs/Maintenance **\$8,500**

Fundraising Expenses (approximate): \$5,000 (approximate)

Part of staff duties.

Highest Paid Employee & Position Libby Albers/Environmental Quality

Salary: **\$48,059**

Contribution to benefit plan: **\$19,341**

Other allowances: **none**

Number of Volunteers (2004): 20

Number of Paid Staff: 1

6. **Amount requested**

Total Budget: **\$118,607**

Amount Requested: **\$25,000**

Program Name: WATER Center Water Education Exhibits

The conceptual designs for the exhibits have been completed, but no funding has been available for the final design, construction, or installation. Below is a cost breakdown of all fifteen exhibits based on the December 2002 projections from Taylor Studios Inc., the exhibit designer.

<u>Description of all Exhibits</u>	<u>Bid Price</u>
Introduction Panel	\$ 15,000
Three Forms of Water	\$ 50,000
Opposites Attract	\$ 20,000
Global Hydrocycle	\$ 30,000
A Journey Underground	\$ 35,000
A Journey Underground: A Closer Look	\$ 42,000
Groundwater Contamination	\$ 15,000
How Do You Use Water	\$ 38,000
Commercial Water Uses	\$ 29,000
Gilbert-Mosley Project	\$ 90,000
Condition of the River	\$ 50,000
Protecting the Water	\$ 23,000
Aquarium Panel	\$ 7,000
Final Design	\$ 75,000
Final Graphic Design, Photographs and Illustrations	\$ 35,000
Project Mgmt., Admin., Samples, Miscellaneous	\$ 30,000
Shipping & Handling, Installation and Install Expenses	\$ 60,000
Total	\$644,000

The WATER Center expects that, as the permanent exhibits are installed, services and visitation will increase. Currently, the exhibit hall has a few temporary displays designed to help promote its mission. Visitors have been overwhelmingly supportive of the WATER Center's efforts and are excited that a facility of this magnitude and foresight would be placed in an economically and environmentally challenged portion of the city.

A number of conservation-oriented groups are already using the WATER Center as a program location. The Center also acts as a resource for student water conservation projects such as wetland restoration, aquatic sampling, and wildlife habitat improvements.

Based on a survey that was distributed by River Ambassadors during the 2003 and 2004 Wichita River Festivals, water quality appears to be an important topic for citizens, with 54% of all survey questions and comments having some reference to water quality. While the concept that everyone contributes to improved water quality has been well established, the general public still perceives the problem and solution as being a governmental matter. This concept alleviates the citizens' responsibility in reducing pollutants and conserving water in their daily activities. The public demands cleaner surface waters but are disturbingly unaware that they are a part of the dilemma.

The Center will be able to tangibly measure the impact of the exhibits through increased visitation and student use. The goal for the exhibit is to increase water awareness and pollution prevention. The desired outcome

of conservation will be difficult to measure as results of a conservation effort may take many years to manifest.

Two ways the Center will quantitatively measure the conservation initiative will be to have visitors sign the Kansas Department of Health and Environment “Clean Water Pledge” and take a survey. The Pledge states that the visitor will be aware of activities which threaten the quality of Kansas’ water resources, be aware of measures and practices that prevent the discharge of pollutants to Kansas’ water resources, and conduct business and personal activities in a manner that will assure restoration and maintenance of clean water in Kansas. As part of the River Ambassadors program, the Center will be surveying citizens on water conservation issues over the next three years.

7. Last Year’s Financial Statement
Financial Statements for 2004

The WATER Center had its official grand opening in October 2003. The WATER Center does not receive a “statement” for a bank or any other entity due to its government affiliation. Its monetary support is a part of the City-approved budget. The following table is a summary of the financial

**WATER Center
City of Wichita**

	Approved Budget <u>12/31/2004</u>	Approved Budget <u>12/31/2003</u>	Approved Budget <u>12/31/2002</u>
IN-KIND SUPPORT			
City General Funds (Staff)	67,400	30,000	6,021
TIF District (Data Center Charges)	4,100	4,100	0
TIF District (Telephone)	0	1,646	0
Park Maintenance	15,690	3,200	0
OPERATING REVENUE			
Previous Years' Contributions for Exhibits	490	250	0
Contributions for Exhibits	2,770	240	250
Walk-In Donations	64	11	0
Room Rental	0	0	0
Grants	0	17,374	3,852
Gilbert-Mosley TIF	27,333	1,986	0
North Industrial Corridor TIF	760	0	0
Total Operating Revenue	<u>118,607</u>	<u>58,807</u>	<u>10,123</u>
OPERATING EXPENSES			
Salary & Benefits	67,400	30,000	6,021
Janitorial	1,105	0	0
Maintenance – grounds	1,225	0	0
Park Maintenance	15,690	3,200	0
Education Equipment	1,658	1,702	0
Supplies	503	284	0
Printing & Copying	558	0	0
Data Center Charges	4,100	4,100	0
Audio Visual Equipment	760	0	0
Telephone	689	1,646	0
Postage	270	0	0
Utilities – Gas	3,000	0	0
Utilities – Electricity	9,105	0	0
Utilities – Water	720	0	0
Exhibit Construction	0	17,374	3,852
General Repairs and Maintenance	8,500	0	0
Total Operating Expenses	<u>115,283</u>	<u>58,306</u>	<u>3,852</u>
NET OPERATING INCOME (LOSS)	<u>3,324</u>	<u>501</u>	<u>250</u>
<i>activities of 2004.</i>			

8. *National Organization*
The WATER Center is not a national organization.

Agenda Item 14.
Agenda Report 05-0205

TO: Mayor and City Council

SUBJECT: Amendment of Industrial Revenue Bond Documents (Airtechnics, Inc.)
(District II)

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the amendments and place the Ordinances on first reading.

Background: On May 1, 2001, City Council approved the issuance IRBs in the amount of \$4.3 million for Airtechnics, Inc., a manufacturer and distributor of electronic components for the aircraft industry. The City Council also approved a 100% tax exemption for a term of five years, plus an additional five years subject to City Council review. Bond proceeds were used to finance the construction and equipping of a new manufacturing, warehouse, administrative, and sales facility located at 3851 N. Webb Road.

On February 5, 2002, the City Council approved amendments to the Ordinances and other bond documents to restructure debt service payments in accordance with the lower interest rates agreed to between the IRB Tenants and Bondholders. Airtechnics has recently negotiated additional changes to the provisions in the bond documents that govern the calculation of interest payments that will result in a reduction in the company's borrowing costs.

Analysis: Pursuant to the bond documents, the interest rate on the bonds is indexed to the prime lending rate, plus a spread over that rate. Since the date on which the IRBs were initially issued, interest rates have declined substantially. Airtechnics wishes to restructure the bonds to obtain a lower interest rate, and the institutional lenders that hold the Bonds have agreed to consent to restructuring the index and spread that determines the rate. To accomplish this, certain terms of the bond documents must be amended by means of an Ordinance.

Financial Considerations: There is no financial impact to the City as a result of the amendment.

Legal Considerations: The City Attorney's Office has reviewed and approved the Ordinances and amended documents as to form.

Recommendations/Actions: It is recommended that the City Council approve document amendments needed to restructure the debt services payments for each series in accordance with lower interest rates, and place the Ordinances on first reading.

Agenda Item 15.
Agenda Report 05-0223

SUBJECT: Extension of Letter of Intent for Tax-Exempt Industrial Revenue Bonds
(Calvary Towers Apartments) (District I)

INITIATED BY: **City Manager's Office**

AGENDA: **Consent**

Recommendation: **Approve the extension.**

Background: On September 14, 2005, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$3,800,000 to Mennonite Housing Rehabilitation Services, Inc. ("MHRS") for the benefit of Calvary Towers Apartments. The proceeds of the proposed bonds will be used to finance a portion of the costs of acquiring, constructing and equipping a senior residence facility located at 2600 North Grove in northeast Wichita. MHRS also plans to utilize Low Income Housing Tax Credits as a component of the financing package.

Analysis: **MHRS has requested the extension because it does not appear that the financing structure associated with the project will be finalized prior to the date the Letter of Intent expires. MHRS is now requesting an extension of the Letter of Intent until December 31, 2005.**

Financial Considerations: There is no financial impact on the City resulting from the requested extension.

Legal Considerations: **Bond documents required for the issuance of bonds will be prepared by bond counsel. The City Attorney's office will review and approve the form of bond documents prior to the issuance of any bonds.**

Recommendations/Actions: It is recommended that the City Council approve the extension of the Letter of Intent to MHRS for Industrial Revenue Bonds in an amount not-to-exceed \$3,800,000 for a period ending December 31, 2005.

Agenda Item No. 16.
Agenda Report No. 05-0206

TO: Mayor and City Council Members

SUBJECT: Contract with Wichita State University Self-Help Network, not to exceed \$110,086, for Community Development Corporation education and development. (All Districts)

INITIATED BY: Metropolitan Area Planning Department
Department of Housing & Community Services

AGENDA: City Council Consent

Recommendation: (1) Approve sole source selection of the Wichita State University (WSU) Self-Help Network for Community Development Corporation education and development; (2) authorize staff to negotiate a not-to-exceed contract of \$110,086; and (3) authorize the appropriate signatures.

Background: As the City of Wichita continues its efforts to revitalize its downtown and neighborhoods, it has become more apparent that local community groups that are interested in carrying out revitalization activities need training and other assistance in order to be more effective. Several neighborhood groups are currently struggling to form either a Community Development Corporation (CDC) or a Community Housing Development Organization (CHDO).

Analysis: The WSU Self-Help Network proposes to train citizens, prospective board members, staff and volunteers to better understand the purpose and function of CDCs and CHDOs, the values held by successful CDCs and CHDOs, how they are funded, how to build consensus, and how to identify and access stakeholders and partners to build strong organizations. The Self-Help Network will also provide immediate consultation and facilitate assistance to 21st Street corridor groups seeking to establish nonprofit and CDC status. These groups will also be linked to “mentor” CDCs and CHDOs that have been successful in the Kansas City area.

Financial Considerations: The proposed contract with the Self-Help Network would be a negotiated contract with a not-to-exceed fee of \$110,086. The contract will be funded (in part) from the 2005 HUD Congressional grant (\$330,000) for 21st Street Community Development Corporation when those funds become available to the City. The general fund will fund the contract until the HUD grant becomes available and the non-21st Street CDC training will be funded through the WSU mill levy or general fund.

Legal Considerations: The agreement will be reviewed and approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council: (1) approve sole source selection of the Wichita State University Self-Help Network for Community Development Corporation education and development; (2) authorize staff to negotiate a not-to-exceed contract of \$110,086; and (3) authorize the appropriate signatures.

Agenda Item 18.
Agenda Report No. 05-0207

TO: Mayor and City Council Members

SUBJECT: Reintegration of Offenders

INITIATED BY: City Manager's Office

AGENDA: Unfinished Business

Recommendation: Approve the pilot project.

Background: Each year approximately 1,200 – 1,300 offenders are released from the Kansas prisons to parole supervision in Sedgwick County. Recognizing that offender re-entry creates significant challenges for the Wichita/Sedgwick County community, a number of steps have been taken to better understand and define the problem. In February 2002, Wichita State University hosted the Assembly on Community Reconnection – A New Beginning for Offenders. The Assembly ended with fourteen (14) recommendations or strategies for the community and its governments and agencies to address.

One recommendation assigned to City and County governments was to form an Offender Re-entry Task Force. The Task Force provided recommendations on governance, community safety, support services, employment and housing. The findings of the Task Force were presented to the City Council and County Commission on February 24, 2004. Staff was charged with developing an implementation plan in conjunction with Sedgwick County and the Kansas Department of Corrections.

On April 6, 2004 the City Council considered this issue. The City Council was asked to consider participating in a pilot program for offender re-entry with Sedgwick County and the Kansas Department of Corrections. The pilot project would be targeted to high-risk offenders leaving Kansas prisons and entering Sedgwick County. The pilot project would address the critical needs of offender re-entry (employment, housing, public safety and support services).

The Council discussed this issue and its action was to direct staff to send this issue to the District Advisory Boards and to the Alternative Correctional Housing (ACH) Board for review and recommendations and to seek any additional input from the Task Force on this issue.

Analysis: The District Advisory Boards have reviewed the proposed plan for re-integration of offenders and the following is a summary of each District's action.

- DAB I. -- The Board voted 7-0 in support of the re-entry pilot project and voted 6-1 to not disband the Alternative Correctional Housing Advisory Board. (Date of action: August 2, 2004.)
- DAB II. -- The Board voted 8-0 in support of the re-entry pilot project and that the Alternative Correctional Housing Advisory Board not be disbanded at this time. (Date of action: June 7, 2004)
- DAB III. -- The Board voted 9-0 in support of a three-year re-entry pilot project (with annual reports to the DAB Boards) and to not disband the Alternative Correctional Housing Advisory Board (Date of action: July 7, 2004)
- DAB IV -- The Board voted 6-2 in support of the re-entry pilot project and that the Alternative Correctional Housing Advisory Board not be disbanded. (Date of Action: November 3, 2004)
- DAB V -- The Board voted 7-1 in support of the re-entry pilot project (and that the project include an outcomes and evaluation component) and 8-0 to retain the Alternative Correctional Housing Advisory Board (and expand to include other representatives of service agencies). (Date of Action: August 2, 2004)
- DAB VI – The Board voted 9-0 in support of the re-entry pilot project and to not disband the Alternative Correctional Housing Advisory Board. (Date of Action: September 13, 2004)

The proposed pilot program would serve 150 high-risk offenders scheduled for release in Sedgwick County. Many offenders need assistance in finding suitable housing, developing job skills, securing employment, addressing substance abuse and finding assistance for mental health needs. The pilot program is designed to address these and other risk factors to ensure that parolees are given the assistance they need for successful reintegration.

The program defines how a staff team located in Sedgwick County will work with facility and parole staff of the Kansas Department of Corrections and community partners (law enforcement, neighborhood representatives, victims, service providers, offender families and employers) to identify high-risk offenders, assess their crime producing risk, identify individual needs and then develop a re-entry plan to stabilize them in the community. The success of this pilot project depends upon information sharing among the partners, connecting offenders with needed services, helping offenders to secure gainful employment and closely monitoring their activities and progress to help reduce the likelihood of recidivism. The proposed project includes identified goals and performance measures to address its success.

Financial Considerations: The proposed pilot project has an identified budget of \$825,000. The Department of Corrections and Sedgwick County are considering contributing \$275,000 each to this pilot project. Staff is not proposing a financial cash contribution, but instead looking at redirecting some staff time to participate as part of the re-entry staff team. The details and extent of participation are yet to be determined.

Legal Considerations: The Law Department would approve a Memorandum of Understanding between the City, County and Kansas Department of Corrections once the details of the pilot project have been completed.

Recommendation/Action: Approve the pilot project; authorize staff to work the Kansas Department of Corrections and Sedgwick County to determine the extent and scope of the City's involvement in this project.

Agenda Item No. 19.
Agenda Report No. 05-0208

TO: Mayor and City Council Members

SUBJECT: Central Rail Corridor Improvement (District VI)

INITIATED BY: Department of Public Works

AGENDA: Unfinished Business

Recommendation: Award the construction contract, and approve the resolution, supplemental agreements, access agreement, and access easement.

Background: The Wichita Central Corridor Railroad Grade Separation Project was initially bid on October 1, 2004. Three bids were received and all three bids were over the engineer's estimate. Since that time TranSystems, as program manager, has worked with HNTB, design engineer, to review the plans and specifications and found ways to reduce the overall cost of the project without impacting the integrity of the project.

Analysis: Several plan changes were developed to reduce the cost of the project. The most significant change to the specifications is the overall length of construction time allowed. The original bid anticipated a 30-month construction schedule and resulted in a significant amount of liquidated damages being worked into the contractors' bids. To eliminate this expense, the construction schedule in the rebid was increased to 38 months. While saving money in the construction contract, the increased construction time will result in higher construction inspection costs for our consultants, HNTB and TranSystems, thus requiring the attached supplemental agreements. The project also requires modification of the rail access to the Great Plains Transportation Museum located north of Douglas on the east side of the railroad tracks. The new access provided on the south side of the museum requires an easement along Cox Communication property. A three party agreement has been prepared for of the easement. There is no cost to the City for the easement.

Financial Considerations: Bids for the revised project were opened on February 18, 2005. Dondlinger and Sons was the low bidder. The project scope changes reduced the original base bid and all add alternates from \$73,199,202.55 to \$57,444,084.60, for a total savings of \$15,755,117.95.

The extended eight month construction schedule will result in increased costs to both HNTB and TranSystems as follows:

Firm	Construction Phase Costs	
	Current Contract	Revised Contract
Difference		
TranSystems	\$3,114,102	\$3,319,523
\$205,421		
HNTB	\$4,135,908	\$4,427,494
\$291,586		
		Total
		\$497,007

The project budget approved by the City Council on November 4, 2003, is \$98,900,000, with \$18,200,000 from Local Sales Tax funds, \$11,800,000 from the Union Pacific Railroad Company, \$24,300,000 from Federal Funds and \$44,600,000 in State Funds. The revised total project budget necessary to cover the construction contract, railroad force account work, inspection cost, design fees and other related expenses needs to be increased to \$105,631,101 as follows: \$18,200,000 Local Sales Tax funds, \$12,254,240 U.P. funds, \$44,649,067 State Funds and \$30,527,794 Federal funds.

Traffic Considerations: The work will require a short term closure (less than 30 days) of 1st Street and 2nd Street so the bridge structures can be removed. The streets will not be closed at the same time, and the closures will not begin until after River Festival, 2005.

Legal Considerations: The supplemental consultant agreements, Transportation Museum/Cox Communications access agreement, access easement, and authorizing Resolution have been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council award the construction contract, adopt the Resolution, approve the supplemental agreements, approve the access agreement, approve the access easement, authorize the budget adjustment and authorize the signing of State/Federal agreements as required.

Agenda Item 20.
Agenda Report 05-0209

TO: Mayor and City Council Members

SUBJECT: Ordinance amendments, Sections 11.97.020 and 11.97.030, relating to impounding of vehicles.

INITIATED BY: Law Department

AGENDA: Unfinished Business

Recommendation: Declare an emergency and adopt the proposed amendments.

Background: In 2004, the Kansas Legislature amended K.S.A. 8-1102 regarding procedures to be followed by public agencies when vehicles are impounded by a law enforcement agency.

The amendments require that owners, as well as lien holders, be notified when a vehicle is impounded by a law enforcement agency. Further, the amendments require individuals seeking to recover vehicles from impound to provide proof of valid registration and ownership before the vehicle is released.

Additional amendments to the city's Emergency Wrecker Ordinances were placed on first reading on February 15, 2005. The amendments were taken off the agenda for second reading on March 1, 2005, due to concerns expressed by lien holders regarding notification and their ability to access vehicles while impounded on private lots. Amendments to Section 11.97.020 and 11.97.030 were inadvertently not included in the initial amendments to the wrecker ordinances. Such ordinances are necessary for the implementation of the previous amendments .

Legal staff met with interested parties to determine if compromises could be reached.

Analysis: The proposed amendments bring the city's ordinances into compliance with the Kansas statutes. Requests by lien holders for legislation to establish fees for private (non-police tows) and to allow access to view vehicles while in impound are not possible. Such legislation is pre-empted by Federal Statutes. 49 U.S.C. 14501(c) limits regulation of towing companies by states and municipalities to safety regulations and prices charged for non-consensual (police tows).

An emergency should be declared so that all amendments relating the wrecker services and notifications are effective on the same date.

Financial Considerations: None

Legal Considerations: The amendment have been prepared and approved as to form by the Law Department.

Recommendations/Actions: Declare an emergency and enact the ordinance amendments.

Agenda Item 21.
Agenda Report 05-0211

TO: Mayor and City Council

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures
District III

INITIATED BY: Office of Central Inspection

AGENDA: New Business

Recommendations: Adopt the resolution.

Background: On January 25, 2005 a report was submitted with respect to the dangerous and unsafe conditions on the property below. The Council adopted a resolution providing for a public hearing to be held on this condemnation actions at 9:30 a.m. or as soon thereafter, on March 8, 2005.

Analysis: On January 10, 2005, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property:

<u>Property Address</u>	<u>Council District</u>
a. 1535 East Pawnee	III

Detailed information/analysis concerning this property is included in the attachments.

Legal Considerations: Pursuant to State Statute, the Resolution was duly published twice on January 27, 2005, and February 3, 2005. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Recommendations/Actions: It is recommended that the City Council close the public hearing, adopt the resolution declaring the building a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be contingent on the following: (1) All taxes have been paid to date, as of March 8, 2005; (2) the structure has been secured as of March 8, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of March 8, 2005 and will be so maintained during renovation.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolution published once in the official city paper and advise the owner of these findings.

Agenda Item 22.
Agenda Report 05-0212

TO: Mayor and City Council

SUBJECT: Current Refunding of Water and Sewer Utility Revenue Bonds, Series 2005A
Advanced Refunding of Water and Sewer Utility Revenue Bonds, Series 2005B

INITIATED BY: Department of Finance

AGENDA: New Business

RECOMMENDATION: Authorize the resolution of intent.

BACKGROUND: The City is planning to offer for sale two series of refunding revenue bonds totaling approximately \$85,000,000. The Series 2005A Bonds will refund the Series 1997 Water and Sewer Utility Revenue Bonds while the Series 2005B Bonds will advance refund the 1999 Water and Sewer Utility Revenue Bonds. The pricing of the bonds is anticipated to occur at the beginning of April and will be priced based on favorable market conditions. Staff has been studying the potential of creating debt service savings by refunding the above listed Series and is seeking Council authorization to proceed with the structuring of a negotiated refunding revenue bond issue.

ANALYSIS: State and federal law permits local governments to issue refunding bonds which replace previously issued and currently outstanding bonds. If the bonds being refunded are currently callable, they can be refunded with “current refunding” bonds, without limitation as to the number of times the original bonds have been refunded. If the bonds being refunded are not currently callable, they can only be refunded with “advance refunding” bonds. Tax-exempt bonds originally issued after the effective date of the 1986 Tax Reform Act can only be advance refunded once. The Series 2005A Bonds contain a series of bonds that are callable and can be refunded using a current refunding scenario. However, the Series 2005B Bonds are not yet callable but are eligible for an advanced refunding.

Staff has investigated the savings potential from these refundings and has determined that significant savings in debt service costs can be obtained. Based on current bond market conditions, it is estimated that approximately \$3.56 million in debt service costs can be saved allocated annually in the Debt Service Fund through 2018, with a present value of approximately \$2.78 million.

Staff recommends using a negotiated approach to selling the refunding bonds because of the potential for volatility in the bond market and the need for specialized structuring expertise and other administrative assistance that underwriters can provide in a negotiated transaction, which results in achieving optimal savings. A Request for Proposal for negotiated underwriting services was sent to six firms. Because of timing constraints, the award of the negotiated underwriting services will come back to the City Council for consideration on March 22, 2005 (Consent Agenda).

Because of the complexity of the issues, it is in the best interest of the City to utilize a financial advisor. The financial advisor will be aide in the structure, timing, marketing, terms and perhaps most importantly, oversee the fairness of the pricing. Staff will use the services of a financial consultant, Springsted Public Financial Advisors, to assist in the analysis and bond structuring needed for this task. Springsted is the financial advisor to Sedgwick County, selected through a competitive selection process. The preferred schedule for the refunding will have pricing completed immediately prior to the regular meeting of the City Council on April 5th. However, if the pricing does not generate a sufficient level of savings prior to the April 5th meeting, the managing underwriter and staff will develop a tentative schedule that will target the following City Council meeting on April 12th.

FINANCIAL CONSIDERATIONS: The estimated present value savings of \$2.78 million is equal to approximately 3.24% of the par amount of the bonds being refunded. Generally accepted standards for determining the appropriate level of savings in a bond refunding suggest a minimum 3% as the threshold. The proposed refunding exceeds the minimum threshold. Based on that standard, the proposed refunding is financially sound. The cost of the Underwriter will be based on the total par amount of the bonds issued. The cost of the underwriter's fees, financial advisory services, and other expenses such as rating fees, Escrow Agent fees, Paying Agent fees, Bond Counsel fees and other expenses associated with the issuance of the bonds have all been anticipated and deducted from the amount of savings that the refunding issue will generate.

LEGAL CONSIDERATIONS: Principal financing documents will be prepared by the City's Bond Counsel, Hinkle Elkouri Law Firm, LLC., and approved as to form by the Law Department.

RECOMMENDATION/ACTION: It is recommended that the City Council authorize Springsted to perform financial advisory services for the City and authorize the resolution of intent.

Agenda Item 23.
Agenda Report 05-0213

TO: Mayor and Members of the City Council

SUBJECT: Special Assessment Hardship Deferral Program

INITIATED BY: Finance Department

AGENDA: New Business

Recommendation: Amend City Code 2.24.075.

Background: Section 2.24.075 of the City Code establishes the eligibility requirements for deferral of special assessments. Under existing City Code, eligibility is based on income guidelines or because the land is used primarily for agricultural purposes. The City's current guidelines require revisions to more accurately define eligibility qualifications for homeowners who wish to receive a hardship deferral for their special assessments. A review of peer cities with special assessment deferral programs have identified additional eligibility requirements that may reduce the amount of specials deferred while maintaining a program that assists citizens with a true need. Further, when a special assessment deferral is granted, a lien is placed on the property through the Sedgwick County Register of Deeds Office. When the applicant no longer qualifies for a deferral or asks to be removed from the deferral program, the City releases the lien. Currently, the City is paying to have the liens filed and released.

Analysis: Approved special assessment deferral applications are recertified annually. Staff follows the guidelines established in the Ordinance to determine whether to grant or deny an application. Currently, the primary eligibility criteria defined in the City code is family income. Family income cannot exceed the U.S. Department of Housing and Urban Development's median gross income family limits, very low-income level, based on the actual median income for the City of Wichita. Problems in verifying actual applicant income make eligibility determinations more difficult. In addition, basing the primary eligibility on income may result in excessive benefits never intended by the City Council. Establishing guidelines that are more clear and unambiguous will help ensure that applicants who are truly needy will be assisted by the program.

Financial Considerations: The City currently has 161 projects that provide special assessment deferrals for 114 property owners due to hardship. For 2004, the amount being deferred is approximately \$134,155. Recommended revisions and estimated impacts are as follows:

Revision #1 - The appraised value of the home of the applicant seeking the deferral cannot exceed the current median home value for existing homes which would be adjusted annually based on actual market conditions. The average home value will be obtained from the Wichita State University Center for Real Estate.

Impact - The current median home value for an existing single family house is \$98,455. If the revision is implemented, 12 existing recipients (and 21 projects) would no longer qualify for a hardship deferral of their special assessments. The City is currently paying the annual installments of their debt in the Special Assessment approximate amount of \$5,821. Over the fifteen years, the amount that the City will have paid for these deferrals would be \$84,511.36.

Revision #2 - The annual principal and interest on the assessments must be in excess of one percent of the owner's annual income.

Estimated Impact - Adding this revision would remove deferrals totaling \$3,735.50 annually being paid by the 24 existing homeowners for 30 projects currently on deferral or \$57,095.81 over the fifteen-year term of the bonds.

Revision #3 - Applicant must pay for the lien recording and current lien release fees prior to the assessment being placed on deferral.

Estimated Impact - Lien recording fees must be paid before the hardship is processed. The average cost for filing a lien is \$21.98. The lien release is \$9.00. Last year, the City placed 85 properties on deferral and released 27 liens. In total, the City spent \$1,295.14 filing and releasing liens on deferrals. This cost accounts for approximately 12% of Debt Management's contractual budget allocation.

Legal Considerations: The Law Department has approved the Ordinance as to form.

Recommendation/Action: It is recommended that the City Council amend City Code 2.24.075 and approve the first reading of the Ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2.24.075 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DEFERRAL OF PAYMENT OF SPECIAL ASSESSMENTS AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 2.24.075 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Eligibility criteria for indefinite deferral of payment of special assessments.

(a) The following criteria are established to determine those property owners eligible for indefinite deferral of payment of special assessments pursuant to the provisions of Section 2.24.070:

(1) Applicant must own the property assessed or be purchasing the property under a valid land sales contract;

(2) Applicant must reside in the property assessed;

(3) Property for which a deferral is sought must be located within the limits of the city and shall be a parcel not exceeding two acres in size and shall be a single building site; provided, however, that if a property owner meets all the criteria of this section except that the property assessed exceeds two acres in size, the property owner shall be eligible for indefinite deferral of that portion of the special assessment against such property equivalent to the ratio two acres bears to the total acreage of the property assessed;

(4) Applicant's family's adjusted gross annual income shall not exceed the U.S. Department of Housing and Urban Development's median income family limits, very low-income level, based on the actual median income for the city. These guidelines are subject to change on an annual basis and shall be applied hereunder based on the then existing guidelines.

Further, the annual principal and interest on the assessments must be in excess of one percent (1.0%) of the owners' adjusted gross annual income as reported for federal income tax purposes.

An applicant or family member of an applicant who is a disabled person and/or over the age of sixty-five years and who is a head of household shall be counted as three persons in determining household size. An applicant or family member of an applicant

who is not a head of household but who is disabled and/or over the age of sixty-five years shall be counted as two persons in determining family size.

(5) *The appraised value of the property for which the deferral is being sought cannot exceed the average home value for existing homes within the Wichita MSA. This amount shall be obtained from the Wichita State University Center for Real Estate.*

(b) The following terms, for the purposes of this chapter of the city code, shall have the have the following meanings:

- (1) "Disabled person" means any person who has a physical or mental impairment that substantially limits one or more major life activities.
- (2) "Head of household" means any person who, at the time application is made for deferral, is eligible to file a federal income tax return as head of household or is eligible to file a joint tax return under the Internal Revenue Code of the United States. Only one spouse may be designated as head of household.
- (3) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (4) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory,

including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotion or mental illness, and a specific learning disability. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction or alcoholism.

(c) An applicant who meets the eligibility requirements of this section and who is granted an indefinite deferral of payment of special assessments shall consent to the filing of a lien against the applicant's property in the amount of the special assessment deferred. **At the time of application, the applicant will be required to pay the cost of the filing and subsequent release of the lien. The fee for such filing and release shall be determined by the Register of Deeds and is subject to change.**

An applicant who is granted a deferral shall be required to furnish the city any information necessary to confirm the applicant's continued eligibility. In addition, before special assessment payments are deferred for years subsequent to the year in which deferral is first granted, the applicant shall consent to the filing of a lien against the applicant's property in the amount of each yearly special assessment payment which is deferred.

(d) Deferred payments of special assessments granted under the provisions of this section shall become due and payable upon a transfer

of ownership of the property; except that transfer by way of gift, devise or interstate succession to a person or persons eligible for deferral hereunder shall not cause such deferred payments to become due and payable.

(e) It is the intent of this section to provide a hardship deferral of special assessments on owner-occupied residential property for those years when payment is due and in which the owner(s) are eligible for such deferral. In years in which such payment is due and the owner is not eligible, the special assessment payment will be due and payable for that year in the same manner as for other property in the improvement district. It is the intent of the governing body in providing this program for hardship deferral of special assessments that the full amount of the original assessment (principal and interest) against properties whose owner(s) are granted deferral(s) will ultimately be paid to the city.

(f) Nothing contained herein shall be interpreted to limit the governing body's authority to adopt other provisions for the deferral of special assessments or to reduce or abate special assessments when it deems it advisable to do so under criteria it deems appropriate.”

SECTION 2. The original of Section 2.24.075 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2005.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item 23.

**City of Wichita
City Council Meeting
March 8, 2005**

Agenda Report 05-0213

TO: Mayor and Members of the City Council

SUBJECT: Special Assessment Hardship Deferral Program

INITIATED BY: Finance Department

AGENDA: New Business

Recommendation: Amend City Code 2.24.075.

Background: Section 2.24.075 of the City Code establishes the eligibility requirements for deferral of special assessments. Under existing City Code, eligibility is based on income guidelines or because the land is used primarily for agricultural purposes. The City's current guidelines require revisions to more accurately define eligibility qualifications for homeowners who wish to receive a hardship deferral for their special assessments. A review of peer cities with special assessment deferral programs have identified additional eligibility requirements that may reduce the amount of specials deferred while maintaining a program that assists citizens with a true need. Further, when a special assessment deferral is granted, a lien is placed on the property through the Sedgwick County Register of Deeds Office. When the applicant no longer qualifies for a deferral or asks to be removed from the deferral program, the City releases the lien. Currently, the City is paying to have the liens filed and released.

Analysis: Approved special assessment deferral applications are recertified annually. Staff follows the guidelines established in the Ordinance to determine whether to grant or deny an application. Currently, the primary eligibility criteria defined in the City code is family income. Family income cannot exceed the U.S. Department of Housing and Urban Development's median gross income family limits, very low-income level, based on the actual median income for the City of Wichita. Problems in verifying actual applicant income make eligibility determinations more difficult. In addition, basing the primary eligibility on income may result in excessive benefits never intended by the City Council. Establishing guidelines that are more clear and unambiguous will help ensure that applicants who are truly needy will be assisted by the program.

Financial Considerations: The City currently has 161 projects that provide special assessment deferrals for 114 property owners due to hardship. For 2004, the amount being deferred is approximately \$134,155. Recommended revisions and estimated impacts are as follows:

Revision #1 - The appraised value of the home of the applicant seeking the deferral cannot exceed the current median home value for existing homes which would be adjusted annually based on actual market conditions. The average home value will be obtained from the Wichita State University Center for Real Estate.

Impact - The current median home value for an existing single family house is \$98,455. If the revision is implemented, 12 existing recipients (and 21 projects) would no longer qualify for a hardship deferral of their special assessments. The City is currently paying the annual installments of their debt in the Special Assessment approximate amount of \$5,821. Over the fifteen years, the amount that the City will have paid for these deferrals would be \$84,511.36.

Revision #2 - The annual principal and interest on the assessments must be in excess of one percent of the owner's annual income.

Estimated Impact - Adding this revision would remove deferrals totaling \$3,735.50 annually being paid by the 24 existing homeowners for 30 projects currently on deferral or \$57,095.81 over the fifteen-year term of the bonds.

Revision #3 - Applicant must pay for the lien recording and current lien release fees prior to the assessment being placed on deferral.

Estimated Impact - Lien recording fees must be paid before the hardship is processed. The average cost for filing a lien is \$21.98. The lien release is \$9.00. Last year, the City placed 85 properties on deferral and released 27 liens. In total, the City spent \$1,295.14 filing and releasing liens on deferrals. This cost accounts for approximately 12% of Debt Management's contractual budget allocation.

Legal Considerations: The Law Department has approved the Ordinance as to form.

Recommendation/Action: It is recommended that the City Council amend City Code 2.24.075 and approve the first reading of the Ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2.24.075 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DEFERRAL OF PAYMENT OF SPECIAL ASSESSMENTS AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 2.24.075 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Eligibility criteria for indefinite deferral of payment of special assessments.

(a) The following criteria are established to determine those property owners eligible for indefinite deferral of payment of special assessments pursuant to the provisions of Section 2.24.070:

- (1) Applicant must own the property assessed or be purchasing the property under a valid land sales contract;
- (2) Applicant must reside in the property assessed;
- (3) Property for which a deferral is sought must be located within the limits of the city and shall be a parcel not exceeding two acres in size and shall be a single building site; provided, however, that if a property owner meets all the criteria of this section except that the property assessed exceeds two acres in size, the property owner shall be eligible for indefinite deferral of that portion of the special assessment against such property equivalent to the ratio two acres bears to the total acreage of the property assessed;

(4) Applicant's family's adjusted gross annual income shall not exceed the U.S. Department of Housing and Urban Development's median income family limits, very low-income level, based on the actual median income for the city. These guidelines are subject to change on an annual basis and shall be applied hereunder based on the then existing guidelines.

Further, the annual principal and interest on the assessments must be in excess of one percent (1.0%) of the owners' adjusted gross annual income as reported for federal income tax purposes.

An applicant or family member of an applicant who is a disabled person and/or over the age of sixty-five years and who is a head of household shall be counted as three persons in determining household size. An applicant or family member of an applicant who is not a head of household but who is disabled and/or over the age of sixty-five years shall be counted as two persons in determining family size.

(6) The appraised value of the property for which the deferral is being sought cannot exceed the average home value for existing homes within the Wichita MSA. This amount shall be obtained from the Wichita State University Center for Real Estate.

(b) The following terms, for the purposes of this chapter of the city code, shall have the have the following meanings:

- (2) "Disabled person" means any person who has a physical or mental impairment that substantially limits one or more major life activities.
- (2) "Head of household" means any person who, at the time application is made for deferral, is eligible to file a federal income tax return as head of household or is eligible to file a joint tax return under the Internal Revenue Code of the United States. Only one spouse may be designated as head of household.
- (3) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (4) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotion or mental illness, and a specific learning disability. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction or alcoholism.

(c) An applicant who meets the eligibility requirements of this section and who is granted an indefinite deferral of payment of special assessments shall consent to the filing of a lien against the applicant's property in the amount of the special assessment deferred. **At the time of application, the applicant will be required to pay the cost of the filing and subsequent release of the lien. The fee for such filing and release shall be determined by the Register of Deeds and is subject to change.**

An applicant who is granted a deferral shall be required to furnish the city any information necessary to confirm the applicant's continued eligibility. In addition, before special assessment payments are deferred for years subsequent to the year in which deferral is first granted, the applicant shall consent to the filing of a lien against the applicant's property in the amount of each yearly special assessment payment which is deferred.

(d) Deferred payments of special assessments granted under the provisions of this section shall become due and payable upon a transfer of ownership of the property; except that transfer by way of gift, devise or interstate succession to a person or persons eligible for deferral hereunder shall not cause such deferred payments to become due and payable.

(e) It is the intent of this section to provide a hardship deferral of special assessments on owner-occupied residential property for those years when payment is due and in which the owner(s) are eligible for such deferral. In years in which such payment is due and the owner is not eligible, the special assessment payment will be due and payable for that year in the same manner as for other property in the improvement

district. It is the intent of the governing body in providing this program for hardship deferral of special assessments that the full amount of the original assessment (principal and interest) against properties whose owner(s) are granted deferral(s) will ultimately be paid to the city.

(f) Nothing contained herein shall be interpreted to limit the governing body's authority to adopt other provisions for the deferral of special assessments or to reduce or abate special assessments when it deems it advisable to do so under criteria it deems appropriate.”

SECTION 2. The original of Section 2.24.075 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2005.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law

Agenda Item No. 24.

Agenda Report No. 05-0214

TO: Mayor and City Council Members

SUBJECT: Park Facilities Renovation (All Districts)

INITIATED BY: Department of Park and Recreation

AGENDA: New Business

Recommendation: Approve the bonding resolution and authorize initiation of the project.

Background: The Park and Recreation Department has a number of existing facilities and park amenities that are aging and in need of renovation. This project has been initiated each year since 2002 and has resulted in significant improvements in all parks, recreation centers and park shelters. Recreation center investments were completed at Boston and Linwood in 2002, Evergreen and Lynette Woodard in 2003, and improvements spread at all recreation centers in 2004 to include replacement tables, chairs, storage racks, and recreation and game equipment. Other park improvements include replacement picnic tables, benches, grills, bleachers, athletic field fencing, goals, score boards, and numerous other improvements and replacement projects to ensure safe and attractive parks and facilities.

Analysis: The 2005 Park Capital Improvement Program (CIP) includes funding for the renovation of park facilities. Renovation will protect the City's investment in these facilities, making them functional and aesthetically attractive to citizen users. Plans call for improvements at Edgemoor and Orchard Recreation Centers, South Lakes Sports Complex, replacement fencing at various athletics venues, and replacement and installation of grills, picnic tables, benches, and bleachers at numerous sites.

Financial Considerations: The 2005 Park CIP includes \$400,000 for the renovation of park facilities. The funding source is general obligation bonds.

Legal Considerations: The Law Department has approved the bonding resolution as to form.

Recommendation/Action: It is recommended that the City Council 1) approve the bonding resolution, 2) authorize initiation of the project, and 3) authorize all necessary signatures.

Agenda Item No. 25.
Agenda Report No. 05-0215

TO: Mayor and City Council Members

SUBJECT: 29th Street North Improvement, from 119th Street West to Maize
(District V)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the project.

Background: The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve 29th Street North, from 119th Street West to Maize. District V Advisory Board sponsored a February 7, 2005, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project.

Analysis: The project will reconstruct 29th Street North to provide a 4 - 5 lane roadway and a landscaped median. Left turn lanes will be provided at the major entrances into adjoining residential neighborhoods. A storm water sewer system will be constructed to eliminate the ditches along the roadway.

Financial Considerations: The estimated project cost is \$3,500,000 with \$850,000 paid by the City and \$2,650,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, place the Ordinance on First Reading, and authorize the signing of State/Federal agreements as required.

Agenda Item No. 26.
Agenda Report No. 05-0216

TO: Mayor and City Council Members

SUBJECT: 37th Street North Improvement from Tyler to Ridge and
replacement of bridge located 1,300 feet west of Ridge. (District
V)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the projects.

Background: The 2004-2013 Capital Improvement Program adopted by the City Council includes projects to improve 37th St. North, from Tyler to Ridge and replace the bridge on this section of the road. District V Advisory Board sponsored a December 6, 2004, neighborhood hearing on the projects. The Board voted 6-0 to recommend approval of the projects.

Analysis: The proposal is to build a four-lane roadway with a landscaped median. Left turn lanes will be provided at intersecting side streets. The existing bridge located approximately 1,300 feet west of Ridge will be removed and replaced with a new four-lane structure. Construction is planned for 2006.

Financial Considerations: The estimated 37th St. North project cost is \$3,700,00 with \$1,000,000 paid by the City and \$2,700,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The estimated bridge cost is \$700,000 with \$200,000 paid for by the City and \$500,000 by Federal Grants.

Legal Considerations: The Law Department has approved the authorizing Ordinances as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the projects, place the Ordinances on First Reading, and authorize the signing of State/Federal agreements as required.

Agenda Item No. 27.

Agenda Report No. 05-0217

TO: Mayor and City Council

SUBJECT: Century II Expansion and Modernization Study (District I)

INITIATED BY: Department of Park and Recreation and Department of Public Works

AGENDA: New Business

Recommendation: Approve the amended agreement and the reallocation of funds and authorize the necessary signatures.

Background: Century II is 35 years old and the Bob Brown Expo Hall addition is 18 years old. These facilities have served the community well, but modernization is needed, both functionally and aesthetically. To stay competitive in both retaining existing business and attracting new business, Century II must begin to plan for expansion. It is also anticipated that the upcoming emphasis on marketing Wichita, along with the development of the Downtown area and the river corridor, will create an increased demand for space in Century II for conventions, conferences and other special events.

On March 19, 2002, the City Council approved a contract with HVS Convention Sports and Entertainment Facilities Consulting. HVS analyzed the problems associated with our existing facility, performed a business analysis of our facility, and determined our expansion needs to stay competitive. Also, as part of that original contract, HVS also developed possible master plan scenarios to accomplish both the expansion of convention/display space and the modernization of the theater portions of the building. However, the study was concluded prior to development of a final report because the project raised complex questions that needed both additional direction from the City and additional analysis from the consultants that went beyond the scope of their original contract.

Analysis: The recently completed Visioneering study identifies recreation and entertainment venues contribution to the quality of life. At this point in time, staff feels that there is a better understanding of the direction of the project, and would like to amend the original contract with HVS to complete the master plan for the Century II campus. The plan will also explore the needs of the Library Board and the Main Library.

Financial Considerations: Funding for the amended contract of \$55,000 can be reallocated from the funds remaining in an existing CIP project which involves replacing the loge seating in Century II. This project is nearly completed and once it is closed out, some of the surplus funding could be allocated to this contract.

Legal Considerations: The Law Department will approve the amended contract and the

bonding resolution as to form.

Recommendations/Actions: It is recommended that the City Council approve the amended contract, approve the reallocation of \$55,000 from the existing CIP Project, and authorize the necessary signatures.

Agenda Item 28.
Agenda Report 05-0218

TO: Mayor and City Council Members

SUBJECT: Public Hearing on Proposed Assessments for Twenty-five (25) Water Projects, Twenty (20) Sewer Projects, and Seventeen (17) Storm Water Projects in July 2005 Bond Sale Series 782 (All Districts)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the proposed assessments and ordinances.

Background: The City Council was notified on February 8, 2005 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Analysis: Notice of hearing letters were published February 11, 2005 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance & Public Works staff held an informal hearing February 28, 2005 at 11:00 a.m. for the water and sewer projects.

Financial Considerations: Statements of Special Assessment will be mailed to the property owners on March 25, 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2005 bond sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2005 tax roll.

Legal Considerations: These projects were initiated pursuant to provisions of KSA 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

480-678 468-83186 Main 19, Southwest Interceptor Sewer (ordered in)

Recommendation/Action: It is recommended that the City Council close the Public Hearing, approve the proposed assessments and place the ordinances on first reading.

HEARING ON PROPOSED ASSESSMENTS FOR CONSTRUCTION OF WATER,
SEWER, AND STORM WATER PROJECTS:

On February 8, 2005 the Council was notified that the Proposed Assessment Rolls for construction of the following water, sewer & storm projects has been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

A. (470-858/448-89459) Construction of Water Distribution System No. 448-89459 TO SERVE BOOHER 2ND ADDITION, South of 55th Street South, West of Seneca, as authorized by Resolution R-00-032, adopted January 25, 2000, and published January 28, 2000, corrected & republished February 11, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$23,988.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

B. (470-870/448-89496) Construction of Water Distribution System No. 448-89496 TO SERVE KILLENWOOD POINTE ADDITION, South of 13th Street, East of Greenwich, as authorized by Resolution R-00-346, adopted September 26, 2000, and published September 30, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$16,462.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

C. (470-825/448-89737) Construction of Water Distribution System No. 448-89737 TO SERVE HAWTHORNE, HAWTHORNE 2ND, 3RD & 4TH ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-03-169, rescinded by Resolution No. R-03-644 & rescinded by Resolution No. R-04-438, adopted April 8, 2003, December 16, 2003 & August 17, 2004, and published April 11, 2003, December 22, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$21,433.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

D. (470-848/448-89741) Construction of Water Distribution System No. 448-89741 TO SERVE RIDGE PORT NORTH 5TH ADDITION, South of 37th Street North, East of Ridge, as authorized by Resolution R-02-486, adopted November 5, 2002, and published November 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$94,230.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

E. (470-851/448-89756) Construction of Water Distribution System No. 448-89756 TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, as

authorized by Resolution R-02-545, rescinded by Resolution No. R-04-636, adopted December 10, 2002 & November 23, 2004, and published December 14, 2002, corrected & republished January 14, 2003 & December 23, 2004, corrected & republished January 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$59,031.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

F. (470-852/448-89766) Construction of Water Distribution System No. 448-89766 TO SERVE SOUTHERN RIDGE ADDITION, South of Pawnee, West of Maize, as authorized by Resolution R-03-056, rescinded by Resolution No. R-04-609, adopted February 4, 2003 & November 9, 2004, and published February 8, 2003 & December 7, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$20,693.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

G. (470-786/448-89781) Construction of Water Distribution System No. 448-89781 TO SERVE SIERRA HILLS ADDITION, East of 127th Street East, North of Pawnee, as authorized by Resolution R-03-091, amended by Resolution No. R-03-177 & rescinded by Resolution No. R-04-632, adopted February 11, 2003, April 15, 2003 & November 23, 2004, and published February 15, 2003, April 18, 2003 & November 29, 2004, corrected & republished January 14, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$42,031.00 is to be apportioned 50% payable by the improvement district & 50% payable by the Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

H. (470-787/448-89782) Construction of Water Distribution System No. 448-89782 TO SERVE SIERRA HILLS ADDITION, East of 127th Street East, North of Pawnee, as authorized by Resolution R-03-092, rescinded by Resolution No. R-04-633, adopted February 11, 2003 & November 23, 2004, and published February 15, 2003 & November 29, 2004, corrected & republished January 14, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$118,167.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

I. (470-877/448-89817) Construction of Water Distribution System No. 448-89817 TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, as authorized by Resolution R-03-204, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$45,983.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

J. (470-861/448-89822) Construction of Water Distribution System No. 448-89822 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, as authorized by Resolution R-03-209, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$41,618.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

K. (470-849/448-89827) Construction of Water Distribution System No. 448-89827 TO SERVE HIGHLAND SPRINGS 3RD ADDITION, West of 135th Street West, South of Central, as authorized by Resolution R-03-251, adopted May 20, 2003, and published May 23, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$45,647.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

L. (470-855/448-89837) Construction of Water Distribution System No. 448-89837 TO SERVE FOX RIDGE ADDITION, North of 29th Street North, between Maize & Tyler, as authorized by Resolution R-03-288, adopted June 10, 2003, and published June 13, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$15,760.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

M. (470-876/448-89847) Construction of Water Distribution System No. 448-89847 TO SERVE REGENCY PARK ADDITION, North of 21st, West of Greenwich Road, as authorized by Resolution R-03-317, adopted June 17, 2003, and published June 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$24,434.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

N. (470-831/448-89849) Construction of Water Distribution System No. 448-89849 TO SERVE HARVEST RIDGE ADDITION, West of Maize, South of 31st Street South, as authorized by Resolution R-03-367, rescinded by Resolution No. R-04-449, adopted July 15, 2003 & August 31, 2004, and published July 18, 2003 & September 3, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$90,846.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

O. (470-821/448-89856) Construction of Water Distribution System No. 448-89856 TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, as authorized by Resolution R-03-380, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of

\$46,468.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

P. (470-824/448-89862) Construction of Water Distribution System No. 448-89862 TO SERVE HAWTHORNE 2ND & 3RD ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-03-483, rescinded by Resolution No. R-04-423, adopted September 9, 2003 & August 17, 2004, and published September 12, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$84,851.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Q. (470-838/448-89866) Construction of Water Distribution System No. 448-89866 TO SERVE AVALON PARK, North of 37th Street North, East of Tyler, as authorized by Resolution R-03-464, adopted September 9, 2003, and published September 12, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$47,997.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

R. (470-847/448-89882) Construction of Water Distribution System No. 448-89882 TO SERVE CRESTVIEW COUNTRY CLUB ESTATES OVERBROOK 5TH ADDITION, East of 143rd Street East, South of 13th, as authorized by Resolution R-03-529, rescinded by Resolution No. R-04-133, adopted October 7, 2003 & March 16, 2004, and published October 10, 2003 & March 19, 2004, corrected & republished April 2, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$31,443.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

S. (470-830/448-89887) Construction of Water Distribution System No. 448-89887 TO SERVE RIVENDALE ADDITION, North of 55th Street South, West of Hydraulic, as authorized by Resolution R-03-549, adopted October 21, 2003, and published October 24, 2003, corrected & republished November 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$77,443.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

T. (470-829/448-89898) Construction of Water Distribution System No. 448-89898 TO SERVE RIDGE ADDITION, North of 37th Street North, West of Ridge, as authorized by Resolution R-03-596, adopted November 18, 2003, and published November 21, 2003, corrected & republished February 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$75,479.00 is to be apportioned 100%

payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

U. (470-841/448-89912) Construction of Water Distribution System No. 448-89912 TO SERVE ENGLISH COUNTRY GARDENS ADDITION, East of Tyler, North of 13th, as authorized by Resolution R-04-065, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$83,464.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

V. (470-846/448-89914) Construction of Water Distribution System No. 448-89914 TO SERVE AVALON PARK, UNPLATTED TRACTS A, B, C, & D, NORTHRIDGE PLAZA, RIDGE, TYLER'S LANDING, TYLER'S LANDING 2ND & HOSKINSON'S 2ND ADDITIONS, Along 37th Street North, between Tyler & Ridge, as authorized by Resolution R-04-056, rescinded by Resolution No. R-04-330, adopted February 10, 2004 & June 22, 2004, and published February 13, 2004 & June 25, 2004, corrected & republished August 26, 2004, corrected & republished December 20, 2004, corrected & republished February 16, 2005, corrected & republished February 23, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$456,698.00 is to be apportioned 74.4% payable by the improvement district & 25.6% of the total cost payable by the Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

W. (470-860/448-89932) Construction of Water Distribution System No. 448-89932 TO SERVE HINKLE'S ADDITION, East of Woodlawn, South of 29th, as authorized by Resolution R-04-230, adopted May 11, 2004, and published May 14, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$24,491.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

X. (470-856/448-89934) Construction of Water Distribution System No. 448-89934 TO SERVE KRUG NORTH ADDITION, North of 21st, West of 143rd Street East, as authorized by Resolution R-04-177, adopted April 13, 2004, and published April 16, 2004, corrected & republished May 14, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$87,759.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Y. (470-862/448-89945) Construction of Water Distribution System No. 448-89945 TO SERVE STEVE KELLEY 5TH ADDITION, South of 13th, East of Hoover, as authorized by Resolution R-04-199, adopted April 20, 2004, and published April 23, 2004. Petition for this improvement was signed by owners representing 100% of the

property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$42,932.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Z. (480-725/468-83106) Construction of LATERAL 101, SANITARY SEWER NO. 23, East of Meridian, South of 53rd Street North, as authorized by Resolution R-00-204, rescinded by Resolution No. R-03-546 & amended by Resolution No. 04-173, adopted May 9, 2000, October 21, 2003 & April 13, 2004, and published May 12, 2000, October 24, 2003, & April 16, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$492,914.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AA. (480-678/468-83186) Construction of MAIN 19, SOUTHWEST INTERCEPTOR SEWER, Bounded by 29th Street North, Hoover, K-96 & Tyler, as authorized by Resolution R-03-240, rescinded by Resolution No. R-03-458, rescinded by Resolution No. R-05-021, adopted May 20, 2003, September 9, 2003 & January 4, 2005, and published May 23, 2003, September 12, 2003, corrected & republished September 25, 2003 & January 10, 2005, corrected & republished February 1, 2005. The Statement of Cost approved January 4, 2005, in the amount of \$4,807,768.00 is to be apportioned 69% payable by Sewer Utility Fund & 31% payable by the improvement district. The cost has been assessed on a square foot basis.

BB. (480-699/468-83506) Construction of MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, as authorized by Resolution R-02-473, rescinded by Resolution No. R-03-541 & rescinded by Resolution No. R-04-426, adopted October 22, 2002, October 21, 2003 & August 17, 2004, and published October 26, 2002, October 24, 2003 & August 20, 2004, corrected & republished December 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$56,491.00 is to be apportioned 50% payable by the improvement district & 50% payable by the Sewer Utility Fund. The cost has been assessed on a fractional basis.

CC. (480-700/468-83508) Construction of LATERAL 2, MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, as authorized by Resolution R-03-321, adopted June 17, 2003, and published June 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$75,012.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

DD. (480-701/468-83509) Construction of LATERAL 3, MAIN 13, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, as authorized by Resolution R-03-322, rescinded by Resolution No. R-03-486 & rescinded by Resolution No. R-04-427, adopted June 17, 2003, September 9, 2003 & August 17, 2004, and published June 20, 2003, September 12, 2003 & August 20, 2004. Petition for this improvement was

signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$90,648.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

EE. (480-732/468-83524) Construction of LATERAL 6, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Ridge, as authorized by Resolution R-02-488, adopted November 5, 2002, and published November 9, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$222,520.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

FF. (480-735/468-83533) Construction of LATERAL 5, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 135th Street West, as authorized by Resolution R-02-548, rescinded by Resolution No. R-04-637, adopted December 10, 2002 & November 23, 2004, and published December 14, 2002, corrected & republished April 18, 2003 & November 29, 2004, corrected & republished January 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$116,877.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

GG. (480-736/468-83549) Construction of LATERAL 33, COWSKIN INTERCEPTOR SEWER, South of Pawnee, West of Maize, as authorized by Resolution R-03-057, rescinded by Resolution No. R-04-610, adopted February 4, 2003 & November 9, 2004, and published February 8, 2003 & December 7, 2004, corrected & republished December 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$27,971.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

HH. (480-742/468-83568) Construction of LATERAL 3, MAIN 14, FOUR MILE CREEK SEWER, South of 21st, East of 127th Street East, as authorized by Resolution R-03-514, rescinded by Resolution No. R-05-007, adopted September 16, 2003 & January 4, 2005, and published September 19, 2003 & January 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$48,545.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

II.(480-665/468-83583) Construction of LATERAL 343, FOUR MILE CREEK SEWER, East of 127th Street East, North of Pawnee, as authorized by Resolution R-03-094, amended by Resolution No. R-03-158, rescinded by Resolution No. R-04-634, adopted February 11, 2003, April 1, 2003 & November 23, 2004, and published February 15, 2003, April 7, 2003 & November 29, 2004, corrected & republished January 18, 2005. Petition for this improvement was signed by owners representing 100% of the

property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$424,551.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

JJ. (480-714/468-83659) Construction of LATERAL 1, MAIN 5, COWSKIN INTERCEPTOR SEWER, West of Maize, South of 31st Street South, as authorized by Resolution R-03-371, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$157,322.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

KK. (480-702/468-83672) Construction of LATERAL 83, MAIN 22, WAR INDUSTRIES SEWER, South of 21st, West of Webb, as authorized by Resolution R-03-382, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$72,929.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

LL. (480-754/468-83689) Construction of LATERAL 9, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, East of Tyler, as authorized by Resolution R-03-470, adopted September 9, 2003, and published September 12, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$102,280.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

MM. (480-731/468-83709) Construction of LATERAL 358, FOUR MILE CREEK SEWER, East of 143rd Street East, South of 13th, as authorized by Resolution R-03-530, rescinded by Resolution No. R-04-134, adopted October 7, 2003 & March 16, 2004, and published October 10, 2003 & March 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$64,101.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

NN. (480-710/468-83714) Construction of LATERAL 94, MAIN 1, SOUTHWEST INTERCEPTOR SEWER, North of 55th Street South, West of Hydraulic, as authorized by Resolution R-03-552, adopted October 21, 2003, and published October 24, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$324,959.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

OO. (480-721/468-83725) Construction of LATERAL 13, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-577, adopted November 4, 2003, and published November 7, 2003,

corrected & republished January 7, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$236,070.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

PP. (480-722/468-83726) Construction of LATERAL 14, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-578, amended by Resolution No. R-04-174, adopted November 4, 2003 & April 13, 2004, and published November 7, 2003, corrected & republished January 8, 2004 & April 16, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$555,127.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

QQ. (480-712/468-83736) Construction of LATERAL 15, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Ridge Road, as authorized by Resolution R-03-597, adopted November 18, 2003, and published November 21, 2003, corrected & republished February 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$125,244.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

RR. (480-730/468-83747) Construction of LATERAL 361, FOUR MILE CREEK SEWER, South of 13th, East of Greenwich, as authorized by Resolution R-04-007, adopted January 6, 2004, and published January 9, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$225,958.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

SS. (480-743/468-83801) Construction of LATERAL 272, MAIN 5, SANITARY SEWER NO. 22, South of 13th, East of Hoover, as authorized by Resolution R-04-200, adopted April 20, 2004, and published April 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$65,477.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

TT. (485-212/468-83516) Construction of SWD NO. 190, PART 1, TO SERVE HAWTHORNE & HAWTHORNE 4TH ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-02-477, rescinded by Resolution No. R-03-488 & rescinded by Resolution No. R-04-440, adopted October 22, 2002, September 9, 2003 & August 17, 2004, and published October 26, 2002, September 12, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved February 8, 2005, in the amount of \$171,071.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

UU. (485-251/468-83517) Construction of SWD NO. 191, PART 1, TO SERVE HAWTHORNE & HAWTHORNE 4TH ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-02-478, amended by Resolution No. R-04-087 & rescinded by Resolution No. R-04-441, adopted October 22, 2002, March 2, 2004 & August 17, 2004, and published October 26, 2002, March 5, 2004 & August 20, 2004, corrected & republished September 27, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved February 8, 2005, in the amount of \$97,527.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

VV. (485-254/468-83560) Construction of SWS NO. 582, TO SERVE COPPER GATE ESTATES, South of 13th, West of 135th Street West, as authorized by Resolution R-02-552, rescinded by Resolution No. R-04-638, adopted December 10, 2002 & November 23, 2004, and published December 14, 2002 & November 29, 2004, corrected & republished January 18, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$106,314.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

WW. (485-237/468-83571) Construction of SWS NO. 592, TO SERVE REED'S COVE & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution R-03-391, rescinded by Resolution No. R-05-019, adopted July 15, 2003 & January 4, 2005, and published July 18, 2003 & January 10, 2005, corrected & republished February 3, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$141,648.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

XX. (485-225/468-83625) Construction of SWD NO. 204, TO SERVE REED'S COVE, REED COMMERCIAL, REED'S COVE 2ND & 3RD ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution R-03-211, rescinded by Resolution No. R-03-392, rescinded by Resolution No. R-04-518, adopted May 6, 2003, July 15, 2003 & September 21, 2004, and published May 9, 2003, July 18, 2003 & October 4, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$891,079.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

YY. (485-244/468-83640) Construction of SWS NO. 589, TO SERVE EVERGREEN 4TH ADDITION & UNPLATTED TRACT, South of 29th Street North, West of Maize, as authorized by Resolution R-03-574, rescinded by Resolution No. R-04-092, adopted November 4, 2003 & March 2, 2004, and published November 7, 2003 & March 5, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of

\$104,410.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

ZZ. (485-242/468-83662) Construction of SWD NO. 208, TO SERVE HARVEST RIDGE ADDITION, West of Maize, South of 31st Street South, as authorized by Resolution R-03-374, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$114,875.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AAA. (485-238/468-83674) Construction of SWS NO. 593, TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, as authorized by Resolution R-03-384, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$400,582.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BBB. (485-240/468-83719) Construction of SWS NO. 595, TO SERVE RIVENDALE ADDITION, North of 55th Street South, West of Hydraulic, as authorized by Resolution R-03-556, amended by Resolution No. R-04-055, adopted October 21, 2003 & February 10, 2004, and published October 24, 2003 & February 13, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$439,739.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CCC. (485-247/468-83728) Construction of SWS NO. 598, TO SERVE TYLER'S LANDING 2ND ADDITION, South of 37th Street North, East of Tyler, as authorized by Resolution R-03-580, adopted November 4, 2003, and published November 7, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$180,487.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

DDD. (485-241/468-83737) Construction of SWS NO. 601, TO SERVE RIDGE ADDITION, North of 37th Street North, West of Ridge, as authorized by Resolution R-03-598, adopted November 18, 2003, and published November 21, 2003, corrected & republished February 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$112,460.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

EEE. (485-243/468-83749) Construction of SWS NO. 603, TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, as authorized by Resolution R-04-008, adopted January 6, 2004, and published January 9, 2004. Petition for this

improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$39,562.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

FFF. (485-252/468-83756) Construction of SWD NO. 222, TO SERVE ENGLISH COUNTRY GARDENS ADDITION, East of Tyler, North of 13th, as authorized by Resolution R-04-067, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$483,958.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

GGG. (485-253/468-83775) Construction of SWD NO. 225, TO SERVE REGENCY LAKES COMMERCIAL 2ND & UNPLATTED TRACT "A", North of 21st, West of Greenwich, as authorized by Resolution R-04-071, amended by Resolution No. R-04-145 & rescinded by Resolution No. R-04-190, adopted February 10, 2004, April 6, 2004 & April 20, 2004, and published February 13, 2004, April 8, 2004 & April 23, 2004, corrected & republished February 3, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$419,266.00 is to be apportioned 10.08% payable by the improvement district & 89.92% payable by the City of Wichita from Storm Water Utility. The cost has been assessed on a fractional basis.

HHH. (485-257/468-83800) Construction of SWD NO. 230, TO SERVE REED'S COVE, REED COMMERCIAL, REED'S COVE 2ND & 3RD ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution R-04-189, rescinded by Resolution No. R-04-519, adopted April 20, 2004 & September 21, 2004, and published April 23, 2004 & October 4, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$64,831.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

III. (485-272/468-83868) Construction of SWD NO. 191, PART 2, TO SERVE HAWTHORNE ADDITION, North of 21st, East of 127th Street East, as authorized by Resolution R-04-429, adopted August 17, 2004, and published August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved February 8, 2005, in the amount of \$52,869.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

JJJ. (485-271/468-83869) Construction of SWS NO. 190, PART 2, TO SERVE HAWTHORNE, HAWTHORNE 2ND, 3RD & 4TH ADDITIONS, North of 21st, East of 127th Street East, as authorized by Resolution R-04-430, adopted August 17, 2004, and published August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved February

8, 2005, in the amount of \$488,313.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

Agenda Item 29.
Agenda Report 05-0219

TO: Mayor and Members of the City Council

SUBJECT: 2005-2006 HUD Combined Allocations/One Year Action Plan
(Districts I, III, IV, VI)

INITIATED BY: Housing and Community Services Department

AGENDA: New Business

Recommendation: Approve funding allocations for the City's 2005/2006 HUD Consolidated Plan/Combined Application.

Background: On November 2, 2004, the City Council established funding allocation amounts for CDBG, HOME and ESG programs and services. Services to be provided by the City were designated for that purpose. Services to be provided by external service providers were identified as undesignated funds. Based on the Council's action, City staff solicited applications for programs and services to be funded from undesignated funds, through a competitive Request for Proposal (RFP) process.

The City Council-appointed Grants Review Committee (GRC) held a public hearing on January 25, 2005 to provide an opportunity for the public to address the Committee regarding housing and community development needs (CDBG), HOME and ESG funding. The GRC carefully reviewed the written and verbal comments from the public, as well as the applications submitted in response to the RFP, in order to develop funding recommendations for the City Council's consideration. The Grants Review Committee's recommendations are attached. (Attachment 4)

Analysis: Since the City Council's November 2, 2004 action, adjustments have been made in the total amounts available. These adjustments include a decrease in funding based on Congressional appropriations announced in December, 2004, as well as an increase in the estimate for program income, and a new allocation of American Dream Down payment Initiative (ADDI) funds. Following is a summary of the current allocations and changes:

Program	Original	Changes	New
Community Development Block Grant (CDBG)	\$3,433,000	(\$212,451) Prog. Inc.\$577,842	\$3,848,391
HOME Investment Partnership (HOME)	\$1,890,000	(\$63,794) ADDI \$77,424	\$1,903,630
Emergency Shelter Grant (ESG)	\$127,712	(\$1,022)	\$126,690

Attachment 1 reflects: 1) recommendations from the Grants Review Committee for CDBG Public Services, HOME and ESG funding; and 2) staff recommendations for Neighborhood

Stabilization funding and internal program adjustments. All recommendations are highlighted in green and have been adjusted to reflect the current funding allocations.

Community Development Block Grant

1. Capital/Housing

Recommendations for Capital and Housing initiatives address the needs of Neighborhood Revitalization Areas and include recommended funding for the Rental Housing Revolving Loan program.

2. Neighborhood Stabilization

On November 2, 2004, the City Council designated \$335,588 for Neighborhood Stabilization activities. The current recommendation includes increased expenditures in Neighborhood Stabilization which are detailed in **Attachment 2**. The increase is due to increased program income and also takes into account recommended increases in allocations for women's services and summer youth employment, and funding a new initiative for the Urban League of the MidPlains to promote Fair Housing programs. Based on these adjustments, the total amount available for Neighborhood Stabilization activities is \$547,654. These funds can be utilized for additional capital projects, community facilities/buildings or for deferred maintenance on eligible City-owned facilities (but not Public Services). Based on input received from the Parks and Public Works Departments, staff recommends the \$547,654 be utilized for park and public facilities improvements for low and moderate-income areas in Districts 1, 3, 4 and 6, as detailed in **Attachment 2**.

3. Public Services

Based on the November 2, 2004 City Council action, RFP's were solicited for Women's Services, Summer Youth Employment Services and Youth Recreation/Enrichment Services. Staff Screening and Selection Committees reviewed the proposals received for Women's Services, Youth Recreation/Enrichment, and Summer Youth Employment. The Committees' recommendations for funding each category, are listed in **Attachment 3**.

HOME Investment Funds

1. Undesignated CHDO Funding

The Grants Review Committee and staff have provided funding recommendations for undesignated Community Housing Development Organization (CHDO) funding, for the following CHDOs:

- Community Housing Services for the acquisition and rehabilitation of one single-family home in the Northeast Local Investment Area
- Mennonite Housing Rehabilitation Services for rehabilitation or new construction of five homes in one of the six Local Investment Areas
- Power CDC for the construction of five homes in the Northeast Local Investment

Area. All homes will be sold to income qualified, first-time homeowners. See **Attachment 4**.

2. HOME Reduced Funding

The base allocation for the 2005/2006 HOME was reduced from original projections of \$1,890,000, to \$1,826,206 (a reduction of \$63,794). Due to the reduction in funding, staff recommends that HOME Operating Funds for CHDOs be reduced to \$91,310 (5% cap) and the Housing Development Loan Program be reduced to \$302,276. Because of the reduced funding and a 10% mandatory cap for administration activities, staff has reduced the activity HOME Investment Partnership Administration to \$182,620.

3. American Dream Down payment Initiative (ADDI)

HUD has allocated \$77,424 for participation in the American Dream Downpayment Initiative (ADDI), and is designated by HUD to be utilized to provide downpayment and closing cost assistance grants to low and moderate-income persons entering into homeownership.

Emergency Shelter Grants

1. Undesignated Funding

Staff supports the recommendation of the Grants Review Committee for ESG undesignated funding. The Grants Review Committee took into account the Community Council on Homeless Advocacy (CCHA)'s priorities and proposed funding needs, in making their recommendations. See **Attachment 4**.

2. Reduced Funding

The projected 2005/2006 ESG grant from HUD is now estimated to be approximately \$1,022 less than originally anticipated. The projected amount (and the amount designated by the City Council) was \$127,712 and the revised estimate is \$126,690. Staff has reduced the funding for all ESG projects accordingly.

Financial Considerations: The final 2005/2006 CDBG allocation decreased by \$162,091 from the original projection. The base **HOME** allocation decreased by \$63,794, however \$77,424 in ADDI funds were added to the **HOME** allocation, for a net increase of \$13,630. Total **Emergency Shelter Grant** funds decreased by \$1,022. The total proposed allocation for the 2005/2006 HUD Combined Allocations and the One-Year Action Plan is \$5,878,711 (including prior year funds). These allocations will be effective July 1, 2005.

Each grant program is restricted to certain federal allocation limits which cannot be exceeded, however in most cases the allocations can be less than the maximum. Following are the FY 2005/2006 limits:

CDBG	\$1,163,310	Public Services
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	\$654,182	Planning and Administration
HOME Funds	\$290,456	Neighborhood-Based Non-Profits (CHDOs) - Minimum
	\$182,621	Administration
Emergency Shelter Funds	\$38,007	Essential Services
	\$38,007	Homeless Prevention
	\$6,335	Administration

Legal Considerations: The national objectives of the Community Development Act are to principally benefit low/moderate income persons, eliminate slum and blight, or meet other urgent community needs. The HOME program also must primarily benefit low/moderate income persons and the Emergency Shelter program must benefit homeless persons. Allocation of Consolidated Plan funds is also subject to individual federal eligibility rules regarding specific activities/programs and national objectives of primarily benefiting low-income persons or addressing conditions of slum/blight. The process by which grant funds are authorized by the City Council is a matter of local determination, providing all HUD eligibility requirements are met.

The City Council has the authority to solicit proposals or to reserve grant funds for community priority needs and programs, as determined by the City Council. The recommendations herein meet all federal requirements in the allocation of funds. Upon approval of this action and prior to final allocations and payments, each project must be verified for eligibility for use of the respective grant funds. In addition, staff will prepare a One-Year Action Plan of activities to be funded based on the City Council's action. The One-Year Action Plan will be presented to City Council and will be made available for a required thirty (30) day public review/comment period prior to final approval.

Recommendation/Actions:

It is recommended the City Council accept the following recommendations:

- (1) Approve funding allocations for the City's 2005/2006 HUD Consolidated Plan Combined Application.
- (2) Designate use and allocations for \$547,654 CDBG Neighborhood Stabilization funding.
- (3) Approve \$100,000 for the Rental Housing Loan program.
- (4) Approve \$16,000 to the Urban League for the Fair Housing Initiatives.
- (5) Approve the Request for Proposal for CDBG Public Services/Programs.
- (6) Approve the \$50,000 increase for Summer Youth Employment program.
- (7) Approve the \$44,033 increase for Women's Services.
- (8) Approve the use of ADDI funds and the reductions HOME Operating Funds for CHDOs and the Housing Development Loan Program.
- (9) Approve the reduced amount in HOME Administration.
- (10) Approve Grants Review Committee's recommendations on HOME CHDO funding.
- (11) Approve Grants Review Committee's recommendations on Emergency Shelter Grant funding.
- (12) Authorize preparation of the One-Year Action Plan.

Agenda Item No. 30.
Agenda Report No. 05-0220

TO: Mayor and City Council

SUBJECT: Agreement between City of Wichita and Burlington Northern and Santa Fe (BNSF) Railroad regarding Railbanking of BNSF's Corridor in East Wichita

INITIATED BY: Metropolitan Area Planning Department

AGENDA: City Council (New Business)

Recommendation: Approve the Agreement with the BNSF Railroad to railbank the BNSF Corridor in East Wichita from Hydraulic Avenue to 159th Street East.

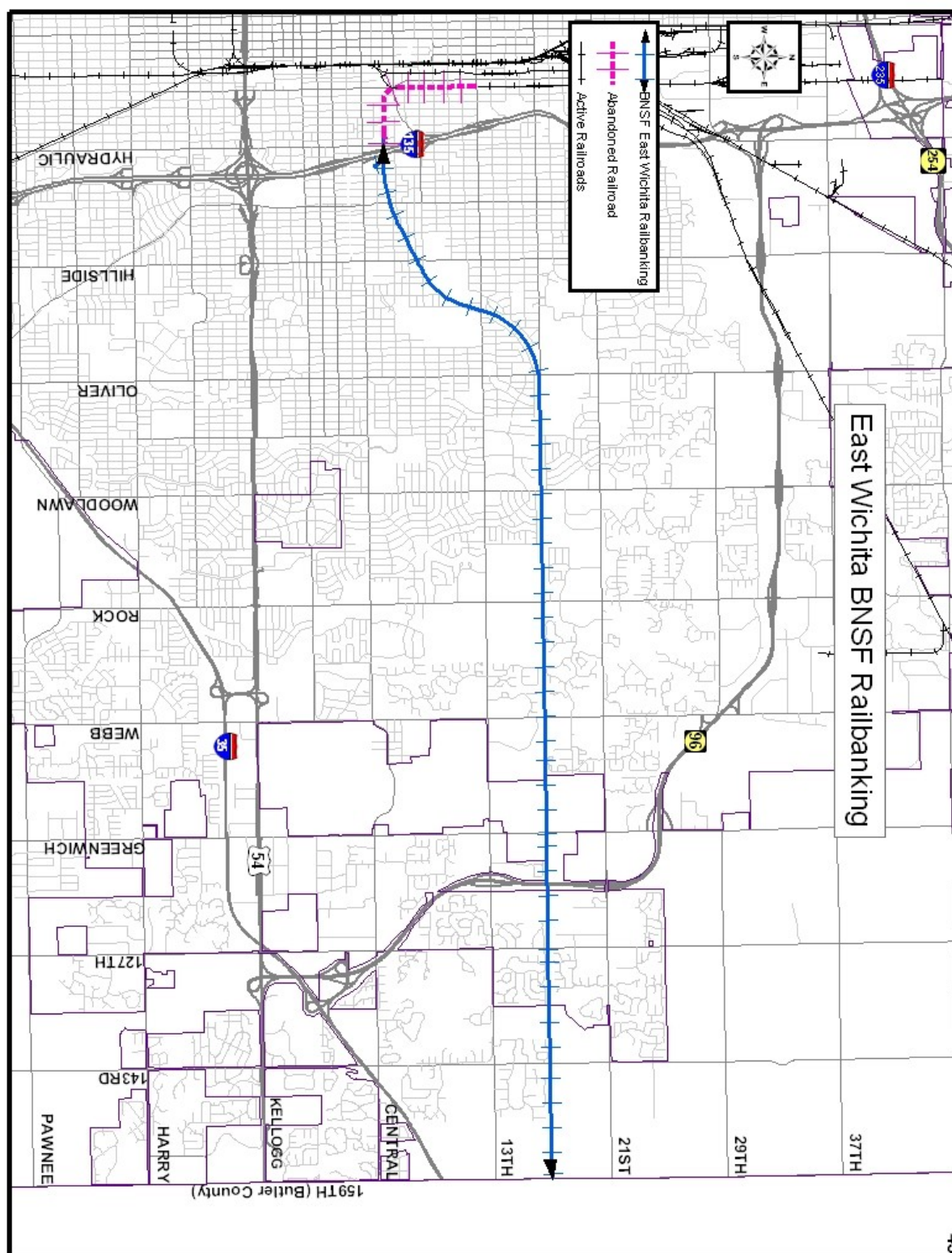
Background: The BNSF Railroad identified 11 miles of rail corridor for abandonment from 13th and Washington to the Sedgwick-Butler County Line (159th Street). The City of Wichita completed a study in January 2002 to examine options for the use of the corridor upon the ceasing of rail operations. Based on information in the study, City Council authorized staff in May 2002 to negotiate with the BNSF Railroad to railbank 9.83 miles of the corridor from Hydraulic Street to 159th Street. The portion west of Hydraulic Street is recommended for abandonment.

Analysis: The National Trails Systems Act provides the railbanking authority to preserve railroad corridors and allow interim trail use. Railbanking is an alternative to abandonment whereby the underlying easement that created the corridor is preserved and maintained until such time as reactivation of freight rail service may occur. The 2002 study identified several reasons to consider preserving and managing the corridor, including surface and stormwater management, access to municipal utility infrastructure within the corridor, and pedestrian-bicycle trail development.

Financial Considerations: The first year's cost to maintain the corridor, including trash and weed removal is estimated at \$78,500, and the annual operating cost for subsequent years is \$7,300.

Legal Considerations: Upon railbanking, city crews will be responsible for maintenance and access to the corridor. The City of Wichita is also responsible for any legal liability arising out of the transfer of the corridor. The Law Department has approved the agreement as to form and content.

Recommendations/Actions: It is recommended that the City Council authorize the necessary signatures for the Railbanking and Donation Contract.



Agenda Item 31.

Agenda Report No. 05-0221

TO: Mayor and City Council

SUBJECT: Justice Assistance Grant

INITIATED BY: Police Department

AGENDA: New Business

Recommendation: Approve the application.

Background: The City of Wichita Police Department and Sedgwick County Sheriff's Office have received notification they are eligible to receive 2005 Justice Assistance Grant (JAG) funding. The new JAG funding replaces the previous Local Law Enforcement Grant and Byrne Grant funding. The City of Wichita and Sedgwick County are required to submit a joint application for JAG funding, specifying the amount of the funds that are to be distributed to each of the units of local government and the purposes for which the funds will be used. The City of Wichita and Sedgwick County are eligible for a total of \$407,776 in federal funding, to be shared equally at \$203,888 each. Sedgwick County will be the applicant/fiscal agent for the joint funds.

Analysis: Prior to beginning the JAG application process, a Memorandum of Understanding will be signed by both Sedgwick County and City of Wichita officials, outlining the administration and distribution of the grant funds. The Sedgwick County Commission will hold a public hearing for the joint JAG application on March 9, 2005, allowing public comment by citizens. The Wichita Police Department will use their share of the JAG funding for Taser implementation, including Taser units for training and replacement.

Financial Considerations: The City of Wichita will receive \$203,888 in 2005 Justice Assistance Grant funding. There is no local match requirement.

Legal Considerations: The required Memorandum of Understanding will be reviewed by the Law Department

Recommendations/Actions: It is recommended that the City Council approve the application and authorize the appropriate signatures.

Agenda Item No. 32.
Agenda Report No. 05-0222

TO: Mayor and City Council

SUBJECT: Mid American All-Indian Center Financial Loan (District VI).

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Approve the agreement with an non-interest bearing financial loan of \$175,000 to the Mid American All-Indian Center (MAAIC) Board of Trustees.

Background: There is a tremendous cultural significance in the Indian Center. The Wichita and Native American community has an intense passion in the history of the facility as well as the people who first helped form the Center. The Native American Community needs a strong management team and Board of Trustees to find a common ground and mission for the Center, so Indian heritage can be remembered and values shared with the community. The Indian Community needs a gathering place as well as an educational tool for the community and visitors to our City.

On April 24, 1984, the City Council reviewed a memorandum written as a final report by Wayne E. Issac, a Federal Aid Coordinator for the City of Wichita who was assigned as the City's liaison to the Mid America All Indian Center (MAAIC). The report documented that the Indian Center was in a similar financial situation as they are in today.

On December 31, 2004, the Board of Trustees made the decision to temporarily close the facility doors and layoff the Center's staff. Since that time, City staff has been working with the Board to determine the current financial status by reviewing outstanding debts and obligations that exist, preparation of a restructuring plan, and operational budget for 2005.

Analysis: The Board of Trustees has applied to several organizations for financial assistance and to date has received very little assistance. Based on their current account payable report, most payments are more than 120 days past due which places the Center and its Board of Trustees at risk for creditors and court liens. It is critical to their continuance that they receive immediate monetary assistance that will allow them to pay creditors, vendors, and tax liabilities. City staff has been working with the Board to develop a structuring budget which outlines all the operating expenses that the Center will need to reopen and become operational again. The 2005 operating budget is based on reopening the facility to the public on May 1 through December 31, 2005 (7 month period) and the expenses are based on operational expenses from April through December 2005 (8 months). There is a built in contingency in the operating budget for any unknown operational expenses and City staff has included an additional 5% management reimbursable fee for the services the City will provide during the transition period.

City staff believes that without this immediate monetary assistance, the creditors and state revenue department will seize any assets and bank accounts to repay the Center's debt, thus permanently closing the Indian Center. While the City of Wichita certainly has an investment in the facility, it also recognizes that the MAAIC is an incorporated entity and is responsible for conducting its affairs in a businesslike manner and for the satisfaction of its financial obligations.

It is in the best interest of both the community and the City Council to help stabilize the institution and approve the agreement.

The agreement is based on four principals that the Board of Trustees has agreed to they are as follows:

1. **Financial Loan:** The City of Wichita will provide the MAAIC Board of Trustees a secured loan in the sum of \$175,000.00. The Board of Trustees will secure the loan with the art collection until the debt has been paid in full.
2. **Restructuring of the Board of Trustees:** The composition of the Board needs to be restructured to provide stronger leadership and knowledge on business practices. The Board has a mission statement, but the operational internal controls and financial reporting to the Board needs strengthened. The City will need to hold three positions on the board with the right to veto financial matters until the loan is paid in full. The City will continue to hold these appointments on the board as a part of their by-laws.
3. **Staffing:** MAAIC Board of Trustees would as a part of this agreement with the City of Wichita, agree to provide administrative staff oversight of the operation of the center. City staff will continue to support operations and implement new procedures that will ensure the facility is being efficiently operated. City staff will provide an annual operating budget that includes a contingency and a 5% administrative fee paid to the City for additional operating expenses incurred by the City Staff that is not included in the current operating funding provided to MAAIC. Currently, the Native American Program provides a part-time, 20-hour clerk who is paid to support the center's office staff. This job position will end in June, but the program representative has offered to fund two additional 20-hour employees. These positions would provide additional staffing for the Center's operation.
4. **Fundraising:** MAAIC board of trustees will have expectations of fundraising goals each year as part of their obligation and efforts to fund community events, programs or other activities that are desired by the Board and used by the community. If these goals are not met then programming will be delayed or postponed until funds are available to pay for these activities.

It is believed that this agreement protects the City from financial losses and helps the Board of Trustees to operate using a positive business model for the future generations to enjoy.

Financial Considerations: City staff has identified \$175, 000 in funding from the 2005 budget general fund contingency account.

Legal Considerations: Approve the agreement as to legal form and approve the financial loan which requires a budget adjustment exceeding \$25,000 requires the City Council approval.

Recommendations/Actions: It is recommended that the City Council approve both the agreement and the financial loan of \$175,000 to the MAAIC Board of Trustees.